

5-2010

# Town of Brentwood Stormwater Management Project

Vanasse Hangen & Brustlin

Follow this and additional works at: <https://scholars.unh.edu/prep>



Part of the [Marine Biology Commons](#)

---

## Recommended Citation

Vanasse Hangen & Brustlin, "Town of Brentwood Stormwater Management Project" (2010). *PREP Reports & Publications*. 122.  
<https://scholars.unh.edu/prep/122>

This Report is brought to you for free and open access by the Institute for the Study of Earth, Oceans, and Space (EOS) at University of New Hampshire Scholars' Repository. It has been accepted for inclusion in PREP Reports & Publications by an authorized administrator of University of New Hampshire Scholars' Repository. For more information, please contact [nicole.hentz@unh.edu](mailto:nicole.hentz@unh.edu).

**Town of Brentwood Stormwater Management  
PREP Community Technical Assistance Program  
Final Project Report – May 2010**

**Summary**

Vanasse Hangen & Brustlin (VHB) worked with the Brentwood Planning Board to develop and adopt a stormwater management ordinance intended to improve development practices primarily for commercial sites and new subdivisions.

**Overview**

In 2008, the Town of Brentwood's Conservation Commission applied for assistance through Round 3 of the Piscataqua Region Estuaries Partnership (PREP's) Community Technical Assistance Program. Vanasse Hangen & Brustlin (VHB) was selected as the technical assistance provider for the project. Upon consultation with the Conservation Commission, it was agreed that the project work should be completed primarily through the Brentwood Planning Board. The UNH Stormwater Center and the Natural Resources Outreach Coalition (NROC) provided a free presentation to the Planning Board on general stormwater management and water quality issues in order to provide all of the Board members with a common understanding of the issues involved and justification for clear stormwater management performance standards. NROC offered outreach assistance to the Planning Board, but the offer was not deemed necessary and was ultimately declined.

VHB reviewed the town's erosion and sediment control and stormwater management ordinances and regulations and utilized the NH Department of Environmental Services' model stormwater ordinance and the NH Stormwater Manual as the basis for a new municipal ordinance. Over the course of the project, VHB worked with the Planning Board on several draft versions of the new ordinance and regulations and amended them to address comments by the Board. The stormwater management zoning ordinance was passed by town voters on 3/9/2010, with 395 votes in favor and 128 against. The final ordinance does not apply to existing single family or duplex residential lots. VHB subsequently provided recommended complimentary improvements to the town's site plan review and subdivision regulations.

**Attachments**

- VHB Memo 1: Preliminary Review of Existing Site and Subdivision Regulations in Comparison to NHDES' Model Stormwater Ordinance
- VHB Suggested Edits to Existing Subdivision and Site Plan Review Regulations
- Final Adopted 2010 Stormwater Management Ordinance

*This project was supported through PREP's Community Technical Assistance Program, with funding from the US Environmental Protection Agency through an agreement with the University of New Hampshire.*



*Vanasse Hangen Brustlin, Inc.*

Six Bedford Farms Drive, Suite 607  
Bedford, New Hampshire 03110-6532  
Telephone 603 644-0888  
Fax 603 644-2385  
www.vhb.com

**Memorandum**

To: Brentwood Planning Board Members,  
Rob Wofchuck, Con. Comm. Chair,  
Derek Sowers, PREP Project Manager,

Date: June 1, 2009

Project No.: 52042.00

From: Bill Arcieri, VHB

Re: Preliminary Review of Existing Site and  
Subdivision Regulations in Comparison  
to NHDES' Model Stormwater Ordinance

The following provides a summary of the primary performance standards contained in NHDES' Model Stormwater Management Ordinance in comparison to the existing requirements contained in the Town of Brentwood's Natural Resource Protection Ordinances, Site Plan and Subdivision Regulations as well as various discussion points with respect to the potential issues associated with adopting each of the standards contained the Model Ordinance. In developing this comparison, VHB has reviewed the Town's current zoning ordinances and site plan and subdivision regulations.

The NHDES Model Stormwater Ordinance establishes performance standards for the following eight (8) areas or concern or issues related to stormwater management:

1. Submittal of Stormwater Mgt Plan
2. Limits on Impervious Area
3. Peak Flow Control & Volume Reduction
4. Site Design / Use of LID Practices
5. Establishment of Buffers and Setbacks
6. Recharge to Groundwater
7. Water Quality Treatment
8. Inspections and Maintenance Operations

**1. Submittal of a Stormwater Management Plan**

**Model Ordinance:** All developments disturbing more than 20,000 square feet of area shall submit a permanent (post-construction) Stormwater Management Plan (SMP) with an application for subdivision or site plan review. The permanent SMP shall be prepared by a licensed New Hampshire, professional engineer and address and demonstrate that the requirements set forth herein and as specified by the planning board have been met.

**Existing Regulations:** Currently, an applicant is required to submit an Erosion and Sediment Control Plan for any proposed disturbance of more than 20,000 sq. ft as stated in the Erosion Control Section of Brentwood's Subdivision and Site Plan Regulations. The EC Plan is supposed to contain a

narrative description of the construction sequence and proposed temporary and permanent measures that will be used to minimize erosion during the proposed development activity.

**Discussion Points:** The development of a SMP is becoming the norm for development activity and is the same plan required to meet the new AOT regulations. Since an erosion control plan is already required, this will not be a major change in the application requirements. It will require more work on the part of the developers, but most of what is needed is typically performed anyway in terms of runoff calculations and sizing. This will, however, also involve more review time on the part of the Planning Board and Town Engineer.

## **2. Limits on Impervious Area**

**Model Ordinance:** The maximum effective impervious cover for new development shall not exceed 10 percent of the site. The effective impervious cover area can be reduced by disconnecting impervious areas to allow runoff to infiltrate into soils rather than leaving the site as surface runoff. This will primarily apply to commercial and multi-unit residential developments. Single family home developments do not typically exceed 10% impervious cover with 2-acre zoning.

**Existing Requirements;** Sec 8.3.3.B of the Aquifer Protection Overlay District, the max lot coverage for impervious area to no more than 20 % for residential lots. For commercial lots, maximum coverage of impervious area is limited to between 35 and 65% depending on the underlying transmissivity. Runoff from impervious areas in excess of 35% of the total lot area must be infiltrated. The Town's Shoreland Protection Ordinance also limits impervious cover to be no more than 20% of the lot area within the defined River Corridor Protection District.

**Discussion Points;** The recommended limit of 10% for effective impervious cover may be of greatest concern for those who own commercially zoned properties, especially along Route 125. Some might argue that this could promote sprawl in that larger parcels will be required to meet the threshold. The intention of this requirement is not to increase the parcel size but to disconnect large areas of impervious area to allow infiltration along the flow path with the use of bioretention areas rather than collecting or directing runoff from large impervious areas to one treatment BMP for end of pipe treatment. The use of pervious pavement can also be used to reduce the effective impervious cover. The Planning Board may want to revisit the design standards for roadways to add some flexibility for narrower roads (e.g. 24 ft to 20 ft) where appropriate for small subdivisions and low volume roads. Changes would also be required of the current Aquifer and Shoreland Protection Ordinances to bring the existing impervious cover limits in line with the Model Ordinance requirements.

## **3. Peak Flow Control and Volume Reduction**

**Model Ordinance:**

- a. Runoff Calculations: The applicant shall provide estimates of pre-and post-development peak flow rates and total runoff volumes using the USDA TR-55 or TR-20 Runoff Methodology or other similar acceptable methods, as approved by the Planning Board and the Town Engineer, for the 2, 10, 25 and 50-year, 24 hour storm events for any point of discharge where runoff exits the site. Any site that was wooded in the last five years shall be considered undisturbed woods for purposes of estimating pre-development rates and volumes. Any runoff that flows onto the site from upgradient properties should be included in the calculations.

- b. Flood Control Purposes: For all runoff flow leaving the site, there shall be no net increase in the pre-development flow for the 10-year and 50-year, 24 hour storm events.
- c. For Stream Channel Protection: The post-development flow rate for the 2-year, 24-hour storm event shall be one of the following:
  - i. Less than or equal to 50% of the pre-development flow rate for 2-yr, 24- hr storm, or
  - ii. Less than or equal to the estimated pre-development flow rate for the 1-yr, 24-hr storm.
- d. Volume Reduction: For the purposes of maintaining natural hydrological conditions, the estimated post-development total runoff volume shall be equal to 90 to 110 percent of the estimated pre-development total runoff volume for the 2, 10, 25 and 50-year, 24-hour storm events.

**Existing Requirements:** Section 4 of the existing Road Design Standards contained in the Addendum A of the existing Subdivision Regs require that “the storm drainage design shall result in a “net-zero” increase in runoff for the 25-year storm event”. All ponds shall be designed to safely pass the 100-year storm event.

**Discussion Points:** The model ordinance requires peak flow control for a broader range of storm events, from the 2 to the 50 year design storms. This level of control is not overly difficult to meet and can be done in the same detention basins, if needed. The recommended volume reduction can also be relatively easy to meet if groundwater recharge can be done on site. It is more difficult to meet if the site is not well suited for groundwater recharge. This is where a waiver may be appropriate. The Town’s design requirement for ponds to be able to convey the peak flow from a 100-year event is actually a bit more stringent than the model ordinance for the largest storms, which requires that ponds only be designed to convey the peak flow from a 50-year design storm. Given the recent trends for more frequent and larger storm events and the predictions for this trend to continue into the future, the more stringent design to control the 100-year storm is appropriate.

#### **4. Site Design and the Use of Low Impact Development (LID) Practices** **Model Ordinance;**

- a. Stormwater management practices shall be selected to accommodate the unique hydrologic and geologic conditions of the site.
- b. The applicant should demonstrate how the use of LID practices or nonstructural stormwater management measures have been included in the site design to the maximum extent practical. Such LID practices include, but are not limited to, minimization and/or disconnection of impervious surfaces throughout the site to capture and infiltrate runoff (e.g. bioretention, infiltration dividers or islands, or planters and rain gardens; use of porous pavement), collecting and reuse of stormwater for irrigation, use of multi- level structures rather single story structures to reduce structure footprint, sharing parking spaces for compatible uses, preservation of natural areas such as riparian areas, wetlands, and forests; and other practices that intercept, treat, and infiltrate runoff from developed areas.
- c. The applicant should also demonstrate how the site design has minimized the overall disturbance area through construction phasing, staging and other techniques such as limiting changes to natural contours and the extent of cut and fills as well as the impacts to vegetation outside the primary building and roadway footprint. The project disturbance area shall be

depicted on site plans submitted as part of the site plan review process. The project disturbance area shall include only the area necessary to reasonably accommodate construction activities.

- d. Any contiguous area of disturbance, not associated with the installation of a roadway, shall be limited to 20,000 square feet for residential development and to 100,000 square feet for other types of development. Contiguous areas of disturbance shall be separated by an area maintained at natural grade and retaining existing, mature vegetated cover that is at least 20 feet wide at its narrowest point.

**Existing Requirements:** Brentwood's general standards listed in Sec. 6.0 of the Site Plan Regulations contains similar language for maintaining adequate green and open space, limiting encroachment on neighboring land uses, limiting changes to existing topography and the minimizing the removal of trees and soil. The Town's Shoreland Protection Ordinance also restricts building construction and surface alterations within 150 feet of a major river or 100 feet of smaller tributaries unless shown to be necessary for a permitted or conditionally permitted use. Although Low Impact Development (LID) Practices are not specifically referenced in the current Regulations, the general intent and principles are similar to the general standards stated in the Site Plan Regulations.

**Discussion Points:** Traditional site design has typically been geared towards ease of construction and minimizing costs rather than minimizing disturbance and protection of resources. The LID concepts for site design are beginning to take hold in the engineering and development community and are being recognized for their "green" appeal and aesthetic value. The typical objections to using the LID practices center around added costs, however, recent research has shown that LID approaches can be less costly than traditional methods by using less pavement with narrower road widths, avoiding the cost of centralized drainage systems and the eliminating the need for large detention basins. The suggested limits on contiguous disturbed areas under Item (d) may be the most contentious item. The intent is to avoid clear cutting large areas of mature trees and preserve islands of natural vegetation, whenever possible. The recent clearing of the proposed Home Depot site in Epping along Route 125 (now idle) is a good example of poor site design.

## **5. Buffers and Setbacks**

### ***Model Ordinance;***

- a. A 50-foot no disturbance zone shall be maintained along all surface waters, wetlands and natural drainage swales.(may want to specify 100 ft for Type A soils- see below);
- b. BMPs shall not be located within the 50-foot no disturbance, vegetated buffer or within 50 feet of steep banks (greater than 15 percent slope).
- c. Stormwater BMPs shall not discharge within 75 feet of private water supply well and within 100 to 400 feet of a public water supply well, depending on well size.

**Existing Requirements:** The existing Wetland Protection Ordinance prohibits any construction activity and placement of structures within 100 feet of a wetland with Type A soils and within 50-feet of a wetland with Type B soils. The existing Shoreland Protection Ordinance also restricts building construction and surface alterations within 150 feet of a major river or 100 feet of smaller tributaries unless shown to be necessary for a permitted or conditionally permitted use.

**Discussion Points:** The existing buffer requirements contained in the existing Town ordinances already meet or exceed the recommended limits in the proposed Model Ordinance for most circumstances. The biggest potential issue may be with respect to whether or not proposed detention basins or other treatment devices (i.e, grassed swales) can be located within the 50 or 100 foot setback. The model ordinance specifically prohibits locating BMPs in the buffer setback. There may be appropriate exceptions or waivers for this requirement.

## 6. Recharge to Groundwater

**Model Ordinance:** Except where prohibited (See Section 4 below), stormwater management designs shall demonstrate that the annual average pre-development groundwater recharge volume (GRV) for the major hydrologic soil groups found on-site are maintained.

1. For all areas covered by impervious cover, the total volume of recharge that must be maintained shall be calculated as follows:

- a)  $\text{REQUIRED GRV} = (\text{Total Impervious Cover}) \times (\text{Groundwater Recharge Depth})$

Where: total impervious cover is the area of proposed impervious cover that will exist on the site after development and groundwater recharge depth is expressed as follows:

USDA/NRCS Hydrologic Soil Group (HSG)	Groundwater Recharge Depth (inches)
A	0.40
B	0.25
C	0.10
D	not required

Example: Applicant proposes 30,000 square foot parking lot over C soils.

$$\text{REQUIRED GRV} = 30,000 \times 0.10$$

$$\text{REQUIRED GRV} = 250 \text{ ft}^3$$

- b. Where more than one hydrologic soil group is present, a weighted soil recharge factor shall be computed.

## 2. Pre-Treatment Requirements

- a. All runoff must be pretreated prior to its entrance into the groundwater recharge device to remove materials that would clog the soils receiving the recharge water.
  - b. Pretreatment devices shall be provided for each BMP, shall be designed to accommodate a minimum of one-year's worth of sediment, shall be designed to capture anticipated pollutants, and be designed and located to be easily accessible to facilitate inspection and maintenance.

## 3. Sizing and design of infiltration (recharge) BMPs

- a. All units shall be designed to drain within 72 hours from the end of the storm.
  - b. The floor of the recharge device shall be at least three feet above the seasonal high water table and bedrock.

- c. Soils under BMPs shall be scarified or tilled to improve infiltration.
  - d. Infiltration BMPs shall not be located in areas with materials or soils containing regulated or hazardous substances or in areas known to DES to have contaminants in groundwater above ambient groundwater quality standards or in soil above site-specific soil standards.
- 4. Infiltration may be prohibited or subject to additional pre-treatment requirements under the following circumstances:
  - a. The facility is located in a well-head protection area or water supply intake protection area; or
  - b. The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-Dw 901; or
  - c. Stormwater is generated from a “high-load area,” as described under Section G.

**Existing Requirements;** The Design and Operation Guidelines in the Aquifer Protection Ordinance require that “all runoff from impervious surfaces shall be recharged on the site, and be diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are not feasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.”

**Discussion Points:** The model ordinance requirements are similar to those already included in the APD ordinance but would apply to all areas of Town and be contingent on existing soil conditions and their ability to infiltrate runoff. Again, this mostly applies to commercial sites where the larger impervious areas will be developed. It will be important to recognize the locations of public wells and their associated Wellhead Protection Area (WHPA) where BMP locations will need to meet the setback requirements from each well and any proposed infiltration will require that stormwater is adequately treated to remove contaminants. Adequate treatment will depend on the proposed use, distance and type of well and other site-specific factors. Many areas of Town will have Hydrologic Group B and C where the computed GRV volume needs will be limited.

## **7. Water Quality Treatment**

### **Model Ordinance:**

- 1. If more than 35 percent of the total area of the site will be disturbed or the site will have greater than 10 percent effective impervious cover, the applicant shall demonstrate that their stormwater management system will:
  - a. Remove 80 percent of the average annual load of total suspended solids (TSS), floatables, greases, and oils after the site is developed.
  - b. Remove 40 percent of phosphorus.
- 2. Compliance with the recharge requirements under Section 6 above, consistent with the pre-treatment and design requirements in Sections 6.2 and 6.3, shall be considered adequate to meet the treatment standards specified in 7.1.
- 3. Applicants not able to employ recharge measures to meet Section 6 above must provide suitable documentation, including a pollutant loading analysis from an approved model, that the treatment standards specified in 7.1 will be met.



**Existing Requirements;** Aside from the nitrogen loading analysis requirement and the prohibited uses in the Aquifer Protection Protections, there are few requirements in the current Town regulations that specifically address water quality treatment for stormwater from developed parcels.

**Discussion Points:** Again, this requirement primarily applies to commercial development and can be met relatively easily if the groundwater recharge requirements can be met, as described above. If not, a pollutant loading analysis may be needed to demonstrate that the targeted removal efficiencies can be achieved. NHDES has developed a procedure to perform this analysis, which is no more difficult than the conducting the nitrogen loading analysis as required under the Aquifer Protection Ordinance.

## **8. Maintenance and Operations**

### ***Model Ordinance:***

1. All stormwater management systems shall have an operations and maintenance (O&M) plan to ensure that systems function as designed. This plan shall be reviewed and approved as part of the review of the proposed permanent (post-construction) stormwater management system and incorporated in the Permanent Stormwater Management Plan, if applicable. Execution of the O&M plan shall be considered a condition of approval of a subdivision or site plan. If the stormwater management system is not dedicated to the city/town pursuant to a perpetual offer of dedication, the planning board may require an applicant to establish a homeowners association or similar entity to maintain the stormwater management system. For uses and activities under Section G, the O&M plan shall include implementation of the Stormwater Pollution Prevention Plan (SWPPP).
2. The stormwater management system owner is generally considered to be the landowner of the property, unless other legally binding agreements are established.
3. The O&M plan shall, at a minimum, identify the following:
  - a. Stormwater management system owner(s), (For subdivisions, the owner listed on the O&M plan shall be the owner of record, and responsibilities of the O&M plan shall be conveyed to the party ultimately responsible for the road maintenance, i.e. the Town should the road be accepted by the Town, or a homeowners association or other entity as determined/required under Section 7.0 above.)
  - b. The party or parties responsible for operation and maintenance and, if applicable, implementation of the Stormwater Pollution Prevention Plan (SWPPP).
  - c. A schedule for inspection and maintenance.
  - d. A checklist to be used during each inspection.
  - e. The description of routine and non-routine maintenance tasks to be undertaken.
  - f. A plan showing the location of all stormwater management facilities covered by the O&M plan.
  - g. A certification signed by the owner(s) attesting to their commitment to comply with the O&M plan.
4. Recording:

- a. The owner shall provide covenants for filing with the registry of deeds in a form satisfactory to the planning board, which provide that the obligations of the maintenance plan run with the land.
  - b. The owner shall file with the registry of deeds such legal instruments as are necessary to allow the city/town or its designee to inspect or maintain the stormwater management systems for compliance with the O&M plan.
5. Modifications:
- a. The owner shall keep the O&M plan current, including making modifications to the O&M plan as necessary to ensure that BMPs continue to operate as designed and approved.
  - b. Proposed modifications of O&M plans including, but not limited to, changes in inspection frequency, maintenance schedule, or maintenance activity along with appropriate documentation, shall be submitted to the planning board for review and approval within thirty days of change.
  - c. The owner must notify the planning board within 30 days of a change in owner or party responsible for implementing the plan.
  - d. The planning board may, in its discretion, require increased or approve decreased frequency of inspection or maintenance or a change in maintenance activity. For a reduced frequency of inspection or maintenance, the owner shall demonstrate that such changes will not compromise the long-term function of the stormwater management system.
  - e. The planning board shall notify the owner of acceptance of the modified plan or request additional information within 60 days of receipt of proposed modifications. No notification from the planning board at the end of 60 days shall constitute acceptance of the plan modification. The currently approved plan shall remain in effect until notification of approval has been issued, or the 60 day period has lapsed.

M. Record Keeping

1. Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least five years.
2. Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs to the [\_\_\_\_\_] *i.e. Code Enforcement Officer, Board of Selectmen*], during inspections and/or upon request.

N. Enforcement

When the responsible party fails to implement the O&M plan, including, where applicable, the SWPPP, as determined by the Code Enforcement Officer or Board of Selectmen, the municipality is authorized to assume responsibility for their implementation and to secure reimbursement for associated expenses from the responsible party, including, if necessary, placing a lien on the subject property.

**Existing Regulations:** The Erosion Control section of the existing Site Plan and Subdivision Regulations require maintenance of erosion control measures, but it is unclear as to whether this requirement would apply to permanent stormwater measures. Under the Aquifer Protection Ordinance, all conditional uses approved after the adoption of the APD shall be subject to twice-annual inspections by the Building Inspector or other designated agent.

**Discussion Points:** Maintenance of stormwater drainage systems is the most commonly overlooked issue that will need to be addressed with the new ordinance. The responsibility for follow-up and enforcement will need to be discussed.

## **Other Administrative Items of the Model Ordinance**

### **Authorization to Issue a Special or Conditional Use Permit:**

- A. Authority is hereby granted to the planning board, as allowed under RSA 674:21 II, to issue a special use permit to allow variations from the requirements and restrictions set forth in this section upon the request of the applicant provided the development design and proposed stormwater management approach satisfy the following conditions:
  - 1. Such modifications are consistent with the general purpose and standards of this section and shall not be detrimental to public health, safety or welfare;
  - 2. The modified design plan and stormwater management approach shall meet the performance standards under all sections of this ordinance; and
  - 3. The modified design plan and stormwater management approach shall satisfy all state and/or federal permit requirements, as applicable.

### **Engineering Review**

- A. The applicant shall submit a fee, as determined by the planning board, with their application for subdivision or site plan review to cover the cost of outside engineering review of their proposed permanent post-construction stormwater management system(s), and the separate Permanent Post-Construction Stormwater Management Plan (SMP) and Stormwater Pollution Prevention Plan (SWPPP), if applicable.
- B. Additional copies of all plans, engineering studies, and additional information as requested by the planning board describing the proposed permanent post-construction stormwater management system shall be provided as necessary to allow for a thorough outside engineering review.

## **TOWN OF BRENTWOOD**

### **Subdivision Regulations**

- Adopted November 19, 1992 -
- Amended August 18, 1994 -
- Amended January 4, 1996 -
- Amended January 2, 1997-
- Amended April 17, 1997 -
- Amended June 4, 1998 -
- Amended July 16, 1998 -
- Amended November 5, 1998 -
- Amended October 7, 1999 -
- Amended August 17, 2000 -
- Amended July 16, 2001 -
- Amended August 16, 2001 -
- Amended October 17, 2002 -
- Amended March 20, 2003 -
- Amended April 17, 2003 -
- Amended January 13, 2005 -
- Amended March 3, 2005 -
- Amended December 15, 2005 -
- Amended January 12, 2006 -
- Amended January 4, 2007-
- Amended January 17, 2008-

## TABLE OF CONTENTS

<b><u>SECTION PAGE</u></b>	<b><u>CONTENT</u></b>
1	AUTHORITY AND TITLE ..... 1
2	PURPOSE AND INTENT ..... 1
3	CONFLICTING PROVISIONS AND VALIDITY ..... 1
4	JURISDICTION ..... 1
5	DEFINITIONS ..... 2
6	GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND ..... 2
7	PROCEDURE FOR THE SUBDIVISION OF LAND ..... 10
8	SPECIFIC PLAN REQUIREMENTS ..... 13
9	ADMINISTRATION AND ENFORCEMENT ..... 27
ADDENDUM A	
	ROAD DESIGN AND CONSTRUCTION SPECIFICATIONS ..... 29
	REQUIREMENTS FOR CONSTRUCTION OF ROADS AND STREETS IN THE TOWN OF BRENTWOOD ..... 30
ADDENDUM B	
	LOT LINE ADJUSTMENT APPLICATION CHECKLIST ..... 35
	APPLICATION FOR LOT LINE ADJUSTMENT ..... 37
ADDENDUM C	
	DRIVEWAY AND OTHER ACCESSES TO TOWN ROADS ..... 39

**TOWN OF BRENTWOOD**  
**LAND SUBDIVISION REGULATIONS**

**SECTION 1 - AUTHORITY AND TITLE**

Pursuant to the authority vested in the Brentwood Planning Board by the voters of the Town of Brentwood at the Annual Town Meeting of March 9, 1974, and to the authority granted to the Planning Board under Chapter 674:35-39 of the Revised Statutes Annotated of New Hampshire of 1991, as amended, the Planning Board hereby adopts the following regulations governing the subdivision of land in the Town of Brentwood.

These regulations shall be known, and may be cited as, the "Town of Brentwood Land Subdivision Regulations," hereinafter referred to as "Subdivision Regulations." The current set of Regulations revise and replace the Brentwood Land Subdivision Regulations of 1978, as amended, and take effect upon adoption by the Board and filing with the Brentwood Town Clerk in accordance with RSA 675:6. A copy shall also be filed with the New Hampshire Office of State Planning in accordance with RSA 675:9.]

**SECTION 2 - PURPOSE AND INTENT**

The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all subdivision, consolidation, lot line adjustment, and easement plans (and subsequent revisions thereto). It is the intent of the Brentwood Planning Board to provide for the orderly present and future development of the Town of Brentwood, therein promoting the public health, safety, convenience and welfare of the residents. The Brentwood Planning Board specifically adopts the provisions of New Hampshire Revised Statutes Annotated, Chapter 674:36, and it is the stated purpose of these regulations to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. It is the intent of the Brentwood Planning Board to promote the utilization of sound development standards.

**SECTION 3 - CONFLICTING PROVISIONS AND VALIDITY**

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

## **SECTION 4 - JURISDICTION**

The provisions of these regulations shall apply to all land within the boundaries of the Town of Brentwood.

- 4.1 Subdivisions. Any person proposing to subdivide land in the Town of Brentwood must apply to the Planning Board for approval of such subdivision.

A subdivision application must be made and approved before any offer to sell, rent or lease a proposed subdivision or part thereof before any construction, land clearing or building development is begun, ~~before any permit for the erection of any building may be granted, and before a subdivision plat may be filed with the County Registry of Deeds.~~

Deleted:

- 4.2 Permits. No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved subdivision plat has been presented by the applicant to the Building Inspector.

## **SECTION 5 - DEFINITIONS**

All definitions appearing in the Town of Brentwood Zoning Ordinance are applicable to subdivision and site plan review regulations.

## **SECTION 6 - GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND**

The subdivider shall make application using appropriate forms provided by the Planning Board and shall conform to the application procedures and any other applicable regulations adopted by the Town.

The subdivider shall observe the following general requirements and principles of land subdivision:

- 6.1 No subdivision approval shall be granted for a subdivision whose proposed roads enter or exit upon a Class VI road, closed subject to gates and bars.
- 6.2 The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivision or for their proper projection when adjoining property is not subdivided.
- 6.3 No street or highway right-of-way shall be less than fifty (50) feet in width and may be required to be more if a greater street width is warranted by specific conditions found by the Planning Board. The apportioning of the street width among roadway, sidewalks and possible grass strips shall be subject to the approval of the Board.

- 6.4 Intersecting property lines at street intersections shall be joined by a curve of at least twenty-five (25) foot radius.
- 6.5 Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 6% for major streets and 8% for minor streets. No street shall have a grade of less than 1%.
- 6.6 Dead-end or cul-de-sac streets shall be equipped with a turn-around roadway at the closed end with a minimum radius of one hundred (100) feet from the center to the outside edge of the right-of-way. (10/7/99) Cul-de-sac roads require a minimum road length of 250 feet before the beginning of a cul-de-sac bulb. (4/17/03)
- 6.7 Reserve strips of land which, in the opinion of the Planning Board, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.
- 6.8 The widths of blocks shall not be less than four hundred (400) feet, nor shall the length exceed twelve hundred (1200) feet.
  - 6.8.1 All lots on new subdivision roads shall have a minimum of 200 foot frontage except in those cases addressed in section 4.2, 4.,E.,1. of Article IV of the Town's Zoning Ordinance.
  - 6.8.2 All frontage in a subdivision shall have access to its applicable public right-of-way.



## 6.9 Fire Protection Regulations

### Fire Suppression for Residential Development.

- a. Any new subdivision of three or more individual dwelling units and all existing subdivisions expanding to three or more individual dwelling units shall be provided a credible (not subject to drought or drainage) water source for fire protection. This water source shall be required if any of the dwelling units exceed 1,200 feet of travel distance but will never exceed 1,500 feet. A credible water source will be determined by the Brentwood Fire Department. The existence of a dry hydrant does not necessarily constitute a credible water supply. Due to drought conditions, many former water supplies have been deemed unreliable.
- b. Exception: All dwelling units that are protected throughout by an approved automatic sprinkler system installed in accordance with N.F.P.A 13D.
- c. Water sources for fire protection shall be designed in accordance with the Brentwood Fire Department water supply regulations for cisterns and dry hydrants. All designs shall be submitted to the Brentwood Fire Department a minimum of 30 days prior to commencement of construction.
- d. All residential plans relative to fire protection shall bear the stamp of a qualified licensed engineer or architect.
- e. Security shall be in place for any cistern, in accordance with subdivision regulations 6.14, 6.16, 6.17 and 6.18. The amount to be reviewed and approved by the town engineer

### Fire Suppression for Non-Residential Development to read as follows:

#### Fire Suppression for Non Residential Development.

- a. Any new nonresidential development and all existing developments that are expanding in size or creating a change in use may be required to provide a credible (not subject to drought or drainage) water source for fire protection commensurate with the proposed hazards associated with the development as determined by the Brentwood Fire Department.
- b. Exception: All units are protected throughout by an approved automatic sprinkler system installed in accordance with N.F.P.A 13.
- c. Water sources for fire protection shall be designed in accordance with the Brentwood Fire Department water supply regulations for cisterns and dry hydrants. All designs shall be approved by the Brentwood Fire Department.

- d. All non-residential plans relative to fire protection shall bear the stamp of a qualified licensed engineer or architect.

## Fire Cisterns

### 1.0 General Requirements

- 1.1 The Brentwood Fire Department shall approve all cistern locations.
- 1.2 Sound engineering practices shall be used for cistern installations.
- 1.3 The design of the cistern shall be submitted to the Brentwood Fire Department for approval prior to installation.
- 1.4 The installer is responsible for completely filling the cistern until accepted by the Brentwood Fire Department.
- 1.5 Documented permission (easement) to use the water source if not on town property.
- 1.6 The Brentwood Fire Department and town engineer shall be notified of the date the site work will begin.

### 2.0 Cistern Specifications

- 2.1 The cistern shall be of sound engineering design to be trouble free and designed to last a minimum of 50 years.
- 2.2 The minimum capacity shall be 35,000 gallons. Depending on the development layout/configuration, additional gallon requirements may be imposed at the discretion of the Brentwood Fire Department.
- 2.3 The suction piping system shall be capable of delivering 1,500 gallons per minute for 75% of the cisterns capacity.
- 2.4 Tank construction should be fiberglass or polypropylene and be rated for highway loading. The Brentwood Fire Department on a case-by-case basis may approve other tank construction.
- 2.5 All piping shall be minimum 6" (ASTM) Schedule 80 PVC with glued joints.
- 2.6 Corrosion resistant tie downs attached to concrete dead men to prevent flotation when empty shall be used.
- 2.7 The final suction connection shall be six inch female National Standard Hose thread fitting with ears located 24" to 30" above the final level grade where vehicle wheels will be located. Static lift should not exceed

**Comment [WRA1]:** Will minimum requirement discourage use of roof drainage/LID systems for cisterns ?

**Formatted:** Highlight

- 12 feet. Final suction connection shall be outfitted with a plug and plug tether.
- 2.8 The final fill connection shall be a 4" storz fitting with cap and tether located 36" above finish grade.
  - 2.9 The vent pipe shall be sized appropriately and be outfitted with a screen cover to prevent wildlife from entering the vent pipe.
  - 2.10 Cistern shall be equipped with a water level indicator approved by the Brentwood Fire Department.
  - 2.11 All horizontal piping shall be adequately supported below frost line and slope slightly back towards tank to prevent freezing.
  - 2.12 A 30" minimum man way shall be located on top of tank to allow for tank inspection.
  - 2.13 After back filling cistern, all piping and cistern shall be protected by fencing, concrete bollards or large rocks to prevent damage by vehicular traffic.
  - 2.14 6 inch diameter concrete bollards if used shall have a finished height of 48" above the finished grade, and painted safety yellow.
  - 2.15 The immediate area around hydrant shall be level to provide for fire fighter safety.
  - 2.16 Access to hydrant shall be 20' minimum width, paved and located to be accessible under all weather conditions, and capable of supporting the heaviest vehicle. The vehicle pad shall be of sufficient size to accommodate the largest truck as

determined by the Brentwood Fire Department. All access to hydrant including vehicle pad shall be sloped to allow for proper water runoff. All pavement shall be approved by Town Engineer.

- 2.17 System and site accessibility criteria shall ensure that hydrant can be reached with one 10' length of suction hose.
- 2.18 Hydrant shall have a minimum clearance of 20' above and on each side and be located a minimum of 100' from any structure. Highway or road traffic shall not be impaired during the use of the hydrant.
- 2.19 All exterior piping, ~~bellards~~ and man ways shall be painted using commercial grade paint. Color to be high gloss red.
- 2.20 Cistern location shall be made visible from the roadway during an emergency by reflective markings and signage approved by the Brentwood Fire Department.
- 2.21 Signs stating "No Parking" "Fire Department Use Only" shall be provided as approved by the Brentwood Fire Department.
- 2.22 The Brentwood Fire Department and the Town Engineer shall be notified by the contractor to observe the following points of installation and provide a written schedule for the following:
  - Site work commencement.
  - When excavation is complete and dead man in place.
  - Tank in place with hold down straps attached.
  - When backfill is complete and insulation installed.
  - When they start and finish leak test.
  - When shoulder and vehicle pad in place and graded.
  - When ready for FD flow test
  - Pavement, vehicular protection, painting and signs complete.

## Dry Fire Hydrant

### 1.0 General Requirements

- 1.1 The Brentwood Fire Department shall approve all dry hydrant locations.
- 1.2 Sound engineering practices shall be used for dry hydrant design and installations.
- 1.3 The design of the dry hydrant and water source shall be submitted to the Brentwood Fire Department for approval prior to construction.
- 1.4 The dry hydrant shall be flow tested by the Brentwood Fire department prior to acceptance.

- 1.5 Documented permission (easement) to use the water source if not on town property.
- 1.6 The Brentwood Fire Department and the Town Engineer shall be notified of the date the site work will begin.

## 2.0 Dry Hydrant Specifications

- 2.1 The dry hydrant shall be designed and constructed to provide a minimum flow of 1,500 gpm at draft.
- 2.2 Documentation that the water supply has a capacity to support a minimum draw of 250 gpm for two hours (minimum 30,000 gallons).
- 2.3 Documentation that the hydrant has the ability to draft water 365 days a year, to include during freezing weather.
- 2.4 Documentation that the water supply can withstand a 50-year drought occurrence.
- 2.5 All dry hydrant pipe, fittings and appendices shall be (ASTM) schedule 80 PVC 6" minimum diameter.
- 2.6 Dry hydrant systems shall be designed and constructed so that slope and piping configuration does not impede drafting capability.
- 2.7 Subject to alternative engineering practices, no more than the equivalent of two 90-degree elbows shall be used in the total system.
- 2.8 The final suction connection shall be six inch 90-degree female National Standard Hose thread fitting with ears located 24" to 30" above the final grade where the vehicle wheels will be located when hydrant is in use. Suction connection shall be equipped with a cap and tether.
- 2.9 Dry hydrant system piping and appendices shall be supported and/or stabilized using approved engineering design practices. Trust blocks, or equivalent protection, shall be employed at elbows and other system stress points.
- 2.10 All connections shall be clean and the appropriate sealing materials used according to manufacturers specifications so as to ensure that all joints are airtight.
- 2.11 System strainer shall be (ASTM) schedule 80 PVC equipped with a back flushing end cap. Strainer shall be 6" minimum in diameter.
- 2.12 A minimum water level of two feet below and three feet above strainer shall be maintained.

- 2.13 Static lift should not exceed 12'.
- 2.14 Total head loss shall not exceed 20'.
- 2.15 The immediate area around dry hydrant shall be level to provide for fire fighter safety.
- 2.16 Access to dry hydrant shall be 20' minimum width, paved and located to be accessible under all weather conditions, and capable of supporting the heaviest vehicle. The vehicle pad shall be of sufficient size to accommodate the largest truck as determined by the Brentwood Fire Department. All access to hydrant including vehicle pad shall be sloped to allow for proper water runoff. All pavement shall be approved by Town Engineer and Road Agent.
- 2.17 System and site accessibility criteria shall ensure that hydrant can be reached with one 10' length of suction hose.
- 2.18 Dry hydrants shall have a minimum clearance of 20' above and on each side and be located a minimum of 100' from any structure. Highway or road traffic shall not be impaired during the use of the dry hydrant.
- 2.19 All piping shall be protected by fencing, concrete bollards or large rocks to prevent damage by vehicular traffic.
- 2.20 6 inch concrete bollards if used shall have a finished height of 48" above the finished grade and painted safety yellow.
- 2.21 Dry hydrant locations shall be made visible from the roadway during an emergency by reflective markings and signage approved by the Brentwood Fire Department.
- 2.22 Signs stating "No Parking" "Fire Department Use Only" shall be provided as approved by the Brentwood Fire Department.
- 2.23 All exterior piping shall be painted using a commercial paint. Color shall be high gloss red. Any metal below grade shall be coated for protection.
- 2.24 The Brentwood Fire Department and the Town Engineer shall be notified by the contractor to observe the following points of installation and provide a written schedule for the following:
- Piping, strainer, and trust blocks in place.
  - Access road and vehicle pad in place and graded.
  - All paving, piping system, vehicular protection, painting and signs complete.
  - Ready for fire department flow test. (12-05)

- 6.10 Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, shall be of reasonable size and character for neighborhood playground or other recreational use.
- 6.11 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall be named by the Selectmen.
- 6.12 In areas not currently served by public sewer system, it shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field). The subdivider or his agent shall be required to provide the necessary equipment and labor for the making of these tests. Not less than two (2) test pits and at least one (1) percolation test shall be required within said 4,000 contiguous square feet.
- 6.13 Pavement and drainage facilities, curbs and sidewalks, when required, shall be installed and constructed in accordance with the Town of Brentwood's Stormwater Management Ordinance and/or other standard specifications of the Town of Brentwood and in all cases must be constructed under the supervision of the Planning Board agent.
- 6.14 Security shall be in a form and amount, and with surety, and other conditions all satisfactory to the Board to insure for the Town the construction and installation of any required improvements within a period of time not to exceed three (3) years. The time limit of three (3) years for completion from the date of final approval shall be expressed in the security. The security shall remain valid and available until drawn upon by the Town or released in accordance with 6.16 below.

Further to the above, the security shall be one of the following:

6.14.1 certified check or bank check properly endorsed to the Town of Brentwood.

6.14.2 irrevocable letter of credit submitted on the standard form approved by the Town. (If other than the Town's approved form, the performance agreement shall be reviewed and approved by the Planning Board and Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the applicant.)

- 6.15 The applicant shall file with the Board a detailed estimate of all costs of required street improvements, drainage structures, utilities or other improvements. The Board may have the estimate reviewed by a professional consultant, if deemed necessary. The cost of this review shall be borne by the applicant. The Board,

Deleted:

after considering the estimate, and other pertinent information, shall determine the amount of the performance security required.

- 6.16 The Board may further extend the time of three (3) years for completion when the reasons for delay were unforeseeable and beyond the reasonable control of the applicant. Any such extension shall be in writing and signed by a majority of the Board signifying their concurrence and shall only be granted after ensuring the validity and availability of the security for such extension. Any such extension shall be solely at the discretion of the Planning Board.
- 6.17 The performance security shall not be released until the Board has certified after inspection that the required improvements have been completed in accordance with the approved plat, including a completed Maintenance Plan with a schedule of activities and responsibilities for future maintenance of stormwater drainage Best Management Practices (BMPs). A fee, payable by the applicant, may be charged to cover the cost of professional consultation selected by the Board to assist in determining completion of all required work to the construction standards of the Town.
- 6.18 All security shall be held by the Treasurer of the Town and in accordance with RSA 673:16. The Treasurer shall not draw upon or release any security until he/she are in receipt of a resolution passed by a majority of the Planning Board stating the purpose and amount to be drawn or released. The Selectmen shall enforce such securities by all appropriate legal and equitable remedies. (Amended 8/94)
- 6.19 All utilities including telephone and electric shall be underground. This standard applies only to those instances involving construction of new roads. Where a subdivision is occurring along existing Town Roads with above ground utilities, the utilities supplied to the new lots on the existing road need not be placed underground.
- 6.20 Permanent concrete or granite monuments shall be set as required.
- 6.21 Where the distance between concrete or granite bounds is greater than four hundred (400) feet, the Planning Board requires iron pins to be set at intervals of two hundred (200) feet.
- 6.22 Prior to final approval, all subdivisions coming before the Planning Board shall be accompanied by approval from N.H. Department of Environmental Services Water Division Subsurface Systems Bureau as per RSA 149-E for lots less than five (5) acres in size.
- 6.23 Special Flood Hazard Areas. All subdivision proposals and proposals for other development governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Brentwood, N.H.," together with the associated Flood Insurance Rate Maps and Flood

Deleted: Supply & Pollution Control

Formatted: Font: (Default) Arial

Deleted:



Boundary and Floodway Maps of the Town of Brentwood dated 4/15/81 shall meet the following requirements:

**Comment [WRA2]:** Has there been an updated map

All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. Subdivision review shall assure that the following minimum standards are met:

6.23.1 The proposal is designed in accordance with the Town of Brentwood's Stormwater Management Ordinance, to minimize the future flood potential associated with the proposed development, and

**Deleted:** consistent

**Deleted:** with the need

**Deleted:** damage

6.23.2 All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize sediment erosion and flood damage, and

**Deleted:** or

**Deleted:** eliminate

6.23.3 Adequate drainage systems shall be provided in accordance with the Town of Brentwood's Stormwater Ordinance to reduce flood hazards, and

**Deleted:** exposure to

6.23.4 Base flood elevation (the level of the 100-year flood) data shall be provided for proposals greater than 50 lots or 5 acres, whichever is the lesser, for that portion within the Special Flood Hazard Area).

6.24 Topographic survey of the whole or part of the property shall be required for subdivision. All topographic contours must conform to 2' intervals.

6.25 In accordance with NH RSA 676:4, I (g) the applicant shall be required to pay all reasonable costs or fees for special investigative studies and the review of documents, which are particular to the application, in addition to administrative and notification fees as required by the Board.

6.26 The Board may make a visual on-site inspection of any proposed subdivision at any stage of the proposal, after prior arrangements are made with the applicant or land owner. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.

6.27 If a plan is withdrawn prior to hearing notification for the plan, no further action is required by the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.

6.28 Approval of the plan by the Board shall not constitute an acceptance by the Town of any proposed street, highway, park or other public open space.

**Comment [WRA3]:** Would "Acceptance of Ownership" or "Transfer of Ownership be more clearer

**Deleted:**

6.29 In accordance with state law any developments which are likely to have impacts beyond the boundaries of the Town of Brentwood shall be processed by the

Brentwood Planning Board according to the procedures established in RSA 36:54-58.

- 6.30 In the case where an owner of contiguous land which is located in more than one municipality applies to the Brentwood Planning Board for subdivision the proceedings will be done in conformance with the standards outlined in RSA 674:53, Land Affected by Municipal Boundaries.
- 6.31 Pursuant to RSA 674:36, III the Board may require special improvements on or off-site, which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefore. The Planning Board may require, either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the subdivision, taking into consideration the municipality's ability to pay for such improvements.
- 6.32 Street signs relative to safety (i.e., stop signs, speed limit signs, etc.) As well as street striping and painting shall be installed as per recommendation of the Brentwood Police Chief. (Amended 8/94)
- 6.33 When land is subdivided on NH Route 125, shared driveways between abutting lots shall be required.

## **SECTION 7 - PROCEDURE FOR SUBDIVISION OF LAND**

7.1 Pre-application Review The Brentwood Planning Board may provide for pre-application review of plats in accordance with RSA 676:4, II, a-c, as follows: (These steps are optional however.)

7.1.1 Preliminary Consultation Phase: A preliminary consultation with the Board shall enable a developer to review basic concepts of the proposal, request suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms. Such discussion may occur without giving formal public notice. Such discussions shall only take place at formal meetings of the board.

7.1.2 It is recommended that the applicant submit the following information for the preliminary consultation with the Board:

7.1.2.1 Correct names and mailings addresses and zip codes of owner(s) of record (and applicant, if different), and a brief description of the proposal.

7.1.3 Design Review Phase: The Board or its designees may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details provided, however, that a list of abutters has been previously provided to the Board or its agents and proper notice to said abutters and the general public has been made. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any subsequent action taken.

7.1.3.1 When meeting with the Planning Board under the design review phase option, a rough sketch of the site should be provided which shows the following:

- a. Location of lot lines.
- b. Lot measurements.
- c. Streets surrounding site.

7.1.4 The applicant may elect to forego or engage in the pre-application review or either phase thereof and proceed directly to the formal application process.

7.1.4.1 Pre-application review shall be separate and apart from formal consideration as described under, "7.2 Formal Application Process," and the time limits as described under Section 7.4 shall not apply until formal application is submitted, deemed complete by the Planning Board and formally accepted.

## 7.2 Formal Application Process

Whenever any subdivision is proposed to be made, and before any sale of lot(s) occurs or application for a permit for the erection of a structure thereon shall be made, the owner thereof or his agent (agent to be designated, in writing, to the Board) shall apply, in writing, to the Planning Board of the Town of Brentwood for approval of such subdivision.

The applicant shall file the completed application with the Board or its agent at least 20 days prior to the meeting at which the application will be accepted. A completed application shall be submitted to and be accepted by the Board at Public Meetings (1st and 3rd Thursday of the month). All applications shall contain the information and documents required by Sections 6 and 8 of these regulations, as well as the following:

- 7.2.1 Eight (8) copies of the plat (twenty-two inches by thirty-four inches 22" X 34") and 4 copies of the plat (eleven inches by seventeen inches 11" X 17") showing all of the information required in Sections six (6) and eight (8) of these regulations. (Amended 8/16/01)
- 7.2.2 A list of names and mailing addresses of the present owners of all of the property abutting the land to be subdivided including those across any road or river abutting the property within 200 feet in any direction.
- 7.2.3 Certification of the Planning Board's authorized representative that he has inspected the proposed road profiles, locations, and grades and finds the plans adequate.

## 7.3 The Subdivider shall bear the following costs at the time of application:

- 7.3.1 A fee of one hundred and fifty (\$150) assigned to each lot to cover the costs incurred by the Board for professional plan review is required upon application. Those funds collected but not used by the Board to cover the Board's costs for plan review will be returned to the applicant.
  - 7.3.1.1 An estimated fee for roadway inspection services will be provide to the applicant prior to approval of the plans or commencing work.
- 7.3.2 An application and secretarial fee.
- 7.3.3 Cost of certified mailings for each landowner within 200 feet of the proposed subdivision. Notice to abutters shall be made by Planning Board 10 days prior to date of formal submission of application by certified mail, return receipt requested.
- 7.3.4 A fee to cover the costs of publication of a legal notice in a paper of general circulation.

7.3.5 In the event that the abutters' hearing is defaulted for any reason, or additional hearings are required, all fees except those for the tax map changes shall be repaid by the applicant for the new hearing.

7.3.6 The subdivider shall bear the following costs to be paid before the subdivision mylar is signed by the Planning Board:

7.3.6.1 A fee to cover the costs of making appropriate changes to the Brentwood tax maps.

7.3.6.2 The costs incurred as a result of review by the Town's planner or other consultants.

7.3.6.3 The cost of recording the original mylar and securing two copies of said plan at the Rockingham County Registry of Deeds.

7.3.6.4 Any and all costs deemed necessary by the Director of Public Works and/or the Planning Board in excess of the above shall be paid by the applicant before the final approval.

#### 7.4 65-Day Period and Hearings:

7.4.1 The Planning Board will accept the application as complete and will begin the review process if the application includes:

- 1) the plan for the proposed subdivision of land incorporating the requirements of Sections 6 and 8 of these regulations,
- 2) the list of current abutters,
- 3) letter of intent,
- 4) letter of authorization (if required),
- 5) a copy of the deed, and
- 6) the money to cover all fees.

The 65-day period called for in RSA 676:4 IC shall begin upon acceptance by the Board of a completed application as described in 1-6 of this paragraph. The minutes of the meeting shall indicate which, if any, applications are accepted for review. (Amended 8/16/01)

Should an application be found incomplete, the Board shall notify the applicant requesting that the necessary documentation be submitted and informing the applicant that no further consideration of the application can be made until the application is complete.

- 7.4.2 Before making any decision to approve or disapprove the plat, the Board will hold a hearing at which all of the abutters and other interested parties will be allowed to speak. All landowners within 200 feet will be notified of the hearing by certified mail, return receipt requested, at least 10 days before the hearing (in accordance with RSA 676:4, I, (d)). During the public hearing, the Planning Board will take testimony from the applicant, questions by members of the Board and questions from any abutters present and any members of the public present with an interest in the proceedings.
- 7.4.3 The Planning Board and such other appropriate Town agencies or agents, may choose to arrange an inspection of the proposed site with the applicant. The applicant and/or landowner is requested to attend the inspection.
- 7.4.4 The Planning Board shall have the authority to finally approve an application which conforms to the Brentwood Zoning Ordinance or has received proper variances from the Brentwood Zoning Ordinance. It shall be the power of the Zoning Board of Adjustment to authorize, upon appeal, in specific cases, variances or exceptions from the terms of the zoning ordinances (see RSA 674:33 and any amendment thereto).
- 7.4.5 Within 65 days of formal acceptance of the plan the Planning Board will make a decision on the site plan proposal as follows:
- 7.4.5.1 **Approval.** At a duly noticed public meeting, the board shall act to approve, conditionally approve, or disapprove, the application. The sixty-five (65) day time limit shall be subject to extension OR waiver as provided below in Sections 8.5 and 8.6 (RSA 676:4, I(c)). (Amended 8/16/01)
- 7.4.5.2 **Conditional Approval.** The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:
- A. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
  - B. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
  - C. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided

said permits and approvals themselves have not required a change to the Plat submitted to the Board or to any other conditions imposed by the Board. All other conditions shall require a hearing, and notice to abutters and the public, except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session were made known at the prior hearing;

**7.4.5.3Disapproval.** The Board shall disapprove of an application which does not meet the standards of these regulations, or fails to comply with other Town or State laws, or will have an adverse impact on surrounding areas or the community.

7.4.6 The Planning Board shall issue a final written decision of their action to approve, conditionally approve, or disapprove the completed application. If the application is conditionally approved, the Board shall list the conditions necessary to be met by the applicant prior to final approval.

7.4.7 In accordance with RSA 676:3, if the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Planning Board's office and shall be made available for public inspection within seventy-two (72) hours after the decision is made and a copy of the decision shall be filed with the Town Clerk.

7.4.8 A conditional approval shall be good for a term of one calendar year from the date granted. Within sixty (60) days of the expiration of the conditional approval the Planning Board shall hold a properly noticed public hearing pursuant to RSA 676:4-a to determine the final outcome of the plan.

7.4.9 The applicant in writing may waive the requirement for Planning Board action within the time periods specified above and consent to such extension as may be mutually agreeable (RSA 676:4,l(f)); or

7.4.10 The Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application (RSA 676:4,l(f)).

7.4.11 In accordance with RSA 676:4,l(c)(1), upon failure of the Board to approve, conditionally approve, or disapprove the application, the Selectmen may order the Planning Board to act within 30 days. If the board still fails to act, the Selectmen must approve the plan within 40 days, unless it can state in writing some specific regulation with which the application does not comply. The failure of the Selectmen to act on such order shall, upon petition of the applicant, constitute grounds for the Superior Court to issue an order approving the application, if the Court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.

7.4.12 Recording and Filing of Plats

No subdivision plat shall be filed or recorded until it has been approved by the Planning Board and all outstanding fees have been paid by the applicant. Approved plans shall be endorsed in writing on the plat with the signatures of at least three members of the Board.

The approved plat will be registered at the Rockingham County Registry of Deeds by the Brentwood Planning Board at the fee established by the Planning Board. Two copies of the recorded plat shall be obtained by the Planning Board at the expense of the Subdivider.

#### 7.4.13 Rules for Conducting Hearings

The Planning Board of the Town of Brentwood NH has adopted rules of procedure in accordance with RSA 676:1 and they are available at the Brentwood Town Hall.

### **SECTION 8 - SPECIFIC PLAN REQUIREMENTS**

- 8.1 The minimum dimensional requirements of lots shall be determined by the provisions of the Town of Brentwood Soil Type Lot Size Regulations (Section 8.21 of these regulations) and by applicable provisions of the Brentwood Zoning Ordinance.
- 8.2 All subdivisions must occur along Class V roads or better.
- 8.3 Eight (8) copies of the plat (twenty-two inches by thirty-four inches 22" X 34") and 4 copies of the plat (eleven inches by seventeen inches 11" X 17") shall be submitted for approval to the Planning Board by the developer. The size and material of the sheets shall conform to the requirements of the Registry of Deeds of Rockingham County, for filing. (See definition of Plat found in the Town of Brentwood Zoning Ordinance) Adequate space shall be available on the map for the necessary endorsement by the proper authorities. (Amended 8/16/01)
- 8.4 Proposed subdivision name; name and address of owner of record; subdivider and designer; date, and north point and scale. The name, license number and seal of a NH licensed land surveyor shall be required on the plats.
- 8.5 Names of owners of record of properties within two hundred feet of proposed subdivision, abutting subdivision names, streets, easements, building lines, alleys, parks and public open spaces and similar facts regarding abutting properties.
- 8.6 Location of property lines and their dimensions, easements, buildings, water courses, ponds or standing water, rock ledges, street lines, building lines, pedestrian ways, lot lines, reservations, wells and other essential features.
- 8.7 Existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewerage and surface drainage.



- 8.8 The following example endorsement blocks should be incorporated into any final plan submitted to the Planning Board for approval:

Approved by the Brentwood Planning Board	Date
, Chairman	
Recording Agent:	

Impact Fees assigned these _____ lots shall be \$ _____ per lot.
(# of lots) (impact fee amount)
_____
Developer Town of Brentwood

- 8.9 Location, name and widths of existing and proposed streets and highways with their grades and profiles and the elevations of sufficient points on the property to indicate the general topography of the property.

For the streets, subdividers shall file (on mylar or other suitable material) with the Board, three copies of separate plans for streets showing widths, grades, profiles, existing topography, boundaries and drainage (existing and proposed) at a scale of not less than 1" = 50'.

- 8.10 Sufficient data acceptable to the Planning Board agent to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed 1 to 10,000. The plan shall show the boundaries of the property.

- 8.11 Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the plat shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than ten (10) feet in width and shall have satisfactory access to existing or proposed public ways.

- 8.12 Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.

- 8.13 Designs of any bridges, culverts, and/or onsite stormwater management measures which may be required.

Deleted: or

- 8.14 Where the plat submitted covers a part of the subdivider's entire holding, a sketch of the prospective future street system of the un-submitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems of the part not submitted.
- 8.15 The location of and pertinent data on at least two (2) test pits, and of at least one (1) percolation test to show that the regulations in Section 6 have been met on each lot created by the subdivision. Information shall include at least the following: the location of test pits, and outline of the 4,000 contiguous sq. ft. area reserved for leach fields, percolation test data, the certification of the Town official witnessing the tests.
- 8.16 All drawings, unless otherwise specified, will be at a scale of not more than one hundred feet to the inch.
- 8.17 The following notation is to be part of the mylar (written on it);

**Note:** The Subdivision Regulations of the Town of Brentwood are a part of this plat, and approval of this plat is contingent upon completion of all requirements of said Subdivision Regulations excepting only any waivers or modifications made in writing by the Board and written on the mylar.

- 8.18 Changes in lot line locations require application and approval for boundary line adjustment. Application forms and a checklist detailing the necessary steps for boundary line adjustments are available in Planning Board Office. These applications will be addressed only during regularly scheduled public hearings and require that abutters must be notified of the meeting. (RSA 676:4, I(e)1.) (see Appendix B)
- 8.19 Erosion and Sediment Control Regulations

#### 8.19.1 GENERAL

The purpose of this regulation is to control soil erosion and sedimentation resulting from site construction and development. Subdivision and site plans shall include plans for controlling erosion and sedimentation as provided below

#### 8.19.2 WHERE REQUIRED

The applicant shall submit an erosion and sediment control plan including a narrative description to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:

- 8.19.2.1 A cumulative disturbed area exceeding 20,000 square feet.
- 8.19.2.2 Construction of a street or road.
- 8.19.2.3 A subdivision of three or more building lots or dwelling units.

#### 8.19.2.4 Disturbed critical areas.

Standard agricultural and silvicultural practices are exempt from this regulation. The Planning Board may waive the requirement for all or part of an erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, or natural conditions of a site. All requests for waivers and action thereon shall be made in writing.

### 8.19.3 DESIGN STANDARDS

The following standards shall be applied in planning for erosion and sediment control:

- 8.19.3.1 All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the NHDES Stormwater Manual, Volume 3, "Erosion and Sediment Controls During Construction", dated December 2008 or, as amended.
- 8.19.3.2 Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
- 8.19.3.3 Appropriate control measures shall be installed prior to removal of vegetation.
- 8.19.3.4 The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 7 days in highly sensitive areas (i.e., within 100 feet of a water body) or 30 days in other areas shall be stabilized with straw mulch, tackifier, netting or similar measures as appropriate.
- 8.19.3.5 Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and water bodies shall be protected from sediment.
- 8.19.3.6 Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
- 8.19.3.7 Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area.
- 8.19.3.8 All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days.

**Deleted:** esign Handbook for Developing Areas of New Hampshire

**Deleted:** and adopted by the Rockingham County Conservation District

**Comment [WRA4]:** Should the 30 days be reduced to say 14 days or 21 days. DES suggests a range of 14 to 30 days depending on site conditions

**Formatted:** Highlight

**Formatted:** Highlight

## 8.19.4 PLAN REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL

### 8.19.4.1 Preliminary Plan Requirements

A preliminary plan is optional. If submitted it shall include the following:

Deleted:

- A. Site drawing of existing and proposed conditions:
  - (a) Locus map showing property boundaries
  - (b) North arrow, scale, date
  - (c) Property lines
  - (d) Easements
  - (e) Structures, utilities, roads and other paved areas
  - (f) Topographic contours
  - (g) Critical areas
  - (h) Waterways, bodies of water, drainage patterns, and watershed boundaries
  - (i) Vegetation
  - (j) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
  - (k) Erosion and sediment control measures
  - (l) Areas of soil disturbance
- B. Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

### 8.19.4.2 Final Plan Requirements for Erosion and Sediment Control

The Planning Board shall require each of the following in the final plan unless specifically waived:

- A. Site drawing of existing and proposed conditions:
  - (a) Locus map showing property boundaries
  - (b) North arrow, scale, date
  - (c) Property lines
  - (d) Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal areas
  - (e) Topographic contours at two-foot intervals
  - (f) Extent of 100-year flood plain boundaries if published or determined
  - (g) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
  - (h) Easements

- (i) Areas of soil disturbance
- (j) Areas of cut and fill
- (k) Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled
- (l) Location of all structural and vegetative erosion and sedimentation control measures
- (m) Identification of all permanent control measures

B. Narrative section that describes and/or illustrates the following:

Deleted: including

- (a) Construction schedule
- (b) Earth movement schedule
- (c) Description of temporary and permanent vegetative measures including seeding specifications
- (d) Description of all structural erosion and sedimentation control measures, with detailed drawings of each
- (e) Design calculations for all temporary and permanent structural control measures
- (f) A proposed schedule and contact information of the responsible party for the inspection and maintenance of all measures along with a proposed checklist
- (g) Identification of all permanent control measures and responsibility for continued maintenance of onsite stormwater management measures
- (h) Calculations showing volume, peak discharge, and velocity of present and future runoff.

#### 8.19.5\_ RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION

The applicant shall bear final responsibility for the installation, construction, and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Planning Board may require a bond or other [security as described in an amount and with surety conditions satisfactory to the Board, Section 6.14 above.] Site development shall not begin before the erosion and sediment control plan is approved. Erosion and sediment control measures shall be installed as scheduled in the approved plan.

Formatted: Font: (Default) Arial

#### 8.19.6\_ MAINTENANCE

The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. [This information including a schedule of proposed activities consistent with the requirements of Section N of the Town of

Brentwood's Stormwater Management Ordinance shall also be incorporated on the plan. For improvements which require easements on property owned by another the easement must be recorded at the Rockingham County Registry of Deeds.] If the owner fails to adequately maintain such measures, the town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.

#### 8.19.7 PLAN APPROVAL AND REVIEW

The Planning Board shall indicate its approval of the erosion and sediment control plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

Technical review of any erosion and sediment control plan prepared under this regulation shall be reviewed by the Brentwood consulting engineering firm at the expense of the applicant.

#### 8.19.8 INSPECTION

Inspection shall be made during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained.

#### 8.19.9 OTHER REQUIRED PERMITS

In addition to local approval, the following may be required:

- A. RSA 485-A:17 requires an Alteration of Terrain (AoT) permit from the New Hampshire Department of Environmental Services Water Division for "... any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff...". Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or 50,000 square feet of disturbance if any portion of such activity occurs within 250 feet, of a public water body, designated river segment, fourth order stream or other protected surface water subject to 483-B jurisdiction.

Deleted: Supply and Pollution Control

Deleted: or on the

Deleted: border

Deleted: the

Deleted: s of the state

#### 8.20 Waiver Procedure

8.20.1 When a proposed subdivision plat is submitted for approval, the applicant may request in writing to waive specific requirements of these Regulations as they pertain to the site plan. The applicant shall present reasons in writing why the waiver is needed.

Deleted:

8.20.2 The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations; and further

provided that the Planning Board shall not approve waivers unless it shall make written findings based upon the evidence presented to it in each specific case. Such waivers will be entertained and acted upon by the Planning Board only at a properly noticed public hearing.

## 8.21 Soil Type Lot Size Regulations

### 8.21.1 PURPOSE

Whereas, the local legislative body of the Town of Brentwood has established a minimum lot size in its municipal zoning ordinance in accordance with RSA 674:16, I(b):

Deleted:

The Planning Board of the Town of Brentwood, New Hampshire hereby adopts the following as part of their Subdivision Regulations in accordance with RSA 674:35-36 for the following purposes:

To require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for the building purposes without danger to health;

To prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities; and

To protect ground water quality for purposes of public health and safety.

### 8.21.2 DEFINITIONS

As used in this regulation, the following terms shall have the following meaning unless the context clearly indicates otherwise:

Certified Soil Scientist: A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

Cluster Subdivision: As defined by the Town of Brentwood Zoning Ordinance.

Commercial: As defined by the Town of Brentwood Zoning Ordinance.

Community Wastewater System: A non-municipal wastewater supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

Community Water Supply: A non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round, or that has at least fifteen (15) service connections.

Industrial: As defined by the Town of Brentwood Zoning Ordinance.

Municipal Wastewater System: A wastewater collection, treatment, and disposal system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections and that is owned and operated by a municipal or regional government.

Municipal Water Supply: A water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections and that is owned and operated by a municipal or regional government.

Qualified Soil Scientist: A person qualified in soil classification and mapping who has been approved by the State of New Hampshire, Board of Certification of Natural Scientists.

Residential: As defined by the Town of Brentwood Zoning Ordinance.

Slope: The average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey soil classification (where A & B = 0-8%; C = 8-15%; D = 15-25%; and E = >25%).

Soil Type: As defined by High Intensity Soil Maps for New Hampshire prepared by a Qualified soil scientist.

Subdivision: As defined by the Town of Brentwood Subdivision Regulations.

Wetlands: Lands containing soils classified on a High Intensity Soil Survey (H.I.S.S.) prepared by a qualified soil scientist as poorly drained, very poorly drained, including freshwater and saltwater marshes or alluvial soils, and displaying a preponderance of wetlands vegetation.

#### 8.21.3 MINIMUM LOT SIZES

In the absence of municipal sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the zoning ordinance for the district wherein the subdivision is proposed, also meet such additional size requirements as may be needed for each lot to insure ground water quality protection. Each lot shall have a carrying capacity of one or greater (1-06). These additional



requirements are specified in Table 1A, "Minimum Lot Size by Soil Type".

This requirement is subject to the following modifications:

- (a) Where more than one soil type is found on a lot, a carrying capacity of those soils occurring on the lot shall be used to determine the minimum lot size.

In the case of Cluster Subdivisions and multi-family developments, the overall density of lots for development within the parcel shall be determined by using the appropriate table and computing a carrying capacity of all allowed soils found in the parcel proposed for subdivision. Type B Hydric soils will be given credit up to the density computed for the upland portion of the property. Each lot in the cluster development shall have a carrying capacity of one or greater. The overall computed density may then be increased by 2%.

- (b) Wetlands may be used as a part of the computed lot size according to the following:

- (1) Areas designated as Type B Hydric soils may be utilized to fulfill the minimum lot size required by town ordinances and subdivision regulations provided that a contiguous, non-wetland area of 25,000 square feet to adequately accommodate all housing and required utilities such as sewage disposal and water supply to include setbacks, is provided.

- (2) Areas designated as Type A Hydric soils (very poorly drained soils, fresh or saltwater marsh) may not be utilized to fulfill minimum lot size.

- (3) No subsurface wastewater disposal system shall be constructed within 75 feet of any Type A Hydric soil or 50 feet of any Type B Hydric soil.

- (c) Slopes greater than 25% may be used as part of the computed lot size according to the following:

- (1) Areas designated with slopes greater than 25% may be utilized to fulfill the minimum lot size required by town ordinances and subdivision regulations provided that an area with less than 15% slopes sufficient in size and configuration to adequately accommodate all housing and required utilities such as sewage disposal and water supply to include setbacks, is provided. This area of greater than

15% slopes can be included in the calculation of 25,000 square feet of upland soil required in section (b) 1 above, as long as required on site facilities can be located within the lot.

- (d) Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial developments shall be determined as follows:

- (1) For multi-family residential use the minimum lot size shall be proportionately larger than the lot size indicated in the appropriate table as determined by the following formulas:

Lot Size (Sq.Ft.) =  
Number of 1 or 2 Bedroom units x (Lot Size from Table 1A  
x .75)

Lot Size (Sq.Ft.) =  
Number of 3 & 4 Bedroom units x Lot size from Table 1A

- (2) For the conversion of a single family house into a two family structure where the number of bedrooms shall not exceed 4, the lot size shall be increased by 50% of the minimum lot size as determined by the appropriate table.
- (3) For commercial and industrial uses with residential-type waste, lot sizes will be determined by the formula:

Lot Size = Q (gpd) x Lot Size from Table 1A

**B. Table HISS: Establishing Lot Sizes Using  
High Intensity Soil Map Units**

<b>Soil Type</b>	<b>B</b>	<b>Slope C</b>	<b>D</b>	<b>E</b>
111-H	31750	35250	40000	46000
112-H	31750	35250	40000	46000
114-H	77000	89000	106000	132000
117-H	54500	60500	67500	77000
118-H	65750	74750	86750	104500
121-H	31750	35250	40000	46000
122-H	31750	35250	40000	46000
124-H	77000	89000	106000	132000
127-H	54500	60500	67500	77000
128-H	65750	74750	86750	104500
161-H	31750	35250	40000	46000
164-H	77000	89000	106000	132000
167-H	54500	60500	67500	77000
168-H	65750	74750	86750	104500
211-H	31750	35250	40000	46000
212-H	31750	35250	40000	46000
214-H	77000	89000	106000	132000
217-H	54500	60500	67500	77000
218-H	65750	74750	86750	104500
221-H	40000	46000	54500	67500
222-H	40000	46000	54500	67500
223-H	54500	60500	67500	77000
224-H	77000	89000	106000	132000
227-H	54500	60500	67500	77000
228-H	65750	74750	86750	104500
231-H	40000	46000	54500	67500
234-H	77000	89000	106000	132000
237-H	54500	60500	67500	77000
238-H	65750	74750	86750	104500
243-H	54500	60500	67500	77000
247-H	54500	60500	67500	77000
248-H	65750	74750	86750	104500
253-H	54500	60500	67500	77000
257-H	54500	60500	67500	77000
258-H	65750	74750	86750	104500
261-H	40000	46000	54500	67500
263-H	54500	60500	67500	77000
264-H	77000	89000	106000	132000
267-H	54500	60500	67500	77000
268-H	65750	74750	86750	104500
275-H	40000	46000	54500	67500

311-H	54500	60500	67500	77000	
312-H	54500	60500	67500	77000	
313-H	54500	60500	67500	77000	
314-H	77000	89000	106000		132000
317-H	54500	60500	67500	77000	
318-H	65750	74750	86750	104500	
321-H	54500	60500	67500	77000	

Soil Type	B	Slope C	D	E	
322-H	54500	60500	67500	77000	
323-H	54500	60500	67500	77000	
324-H	77000	89000	106000		132000
325-H	54500	60500	67500	77000	
327-H	54500	60500	67500	77000	
328-H	65750	74750	86750	104500	
331-H	54500	60500	67500	77000	
332-H	54500	60500	67500	77000	
333-H	54500	60500	67500	77000	
334-H	77000	89000	106000		132000
337-H	54500	60500	67500	77000	
338-H	65750	74750	86750	104500	
343-H	54500	60500	67500	77000	
344-H	77000	89000	106000		132000
347-H	54500	60500	67500	77000	
348-H	65750	74750	86750	104500	
353-H	106000		132000	N/A	N/A
354-H	106000		132000	N/A	N/A
357-H	106000		132000	N/A	N/A
358-H	106000		132000	N/A	N/A
361-H	54500	60500	67500	77000	
363-H	54500	60500	67500	77000	
364-H	77000	89000	106000		132000
367-H	54500	60500	67500	77000	
368-H	65750	74750	86750	104500	
374-H	77000	89000	106000		132000
375-H	54500	60500	67500	77000	
411-H	77000	89000	106000		132000
412-H	77000	89000	106000		132000
413-H	77000	89000	106000		132000
414-H	77000	89000	106000		132000
417-H	77000	89000	106000		132000
418-H	77000	89000	106000		132000
421-H	77000	89000	106000		132000
422-H	77000	89000	106000		132000
423-H	77000	89000	106000		132000
424-H	77000	89000	106000		132000
427-H	77000	89000	106000		132000
428-H	77000	89000	106000		132000
431-H	77000	89000	106000		132000
432-H	77000	89000	106000		132000
433-H	77000	89000	106000		132000
434-H	77000	89000	106000		132000
437-H	77000	89000	106000		132000
438-H	77000	89000	106000		132000

443-H	77000	89000	106000		132000
444-H	77000	89000	106000		132000
447-H	77000	89000	106000		132000
448-H	77000	89000	106000		132000
453-H	106000		132000	N/A	N/A
454-H	106000		132000	N/A	N/A
457-H	106000		132000	N/A	N/A

<b>Soil Type</b>	<b>B</b>	<b>Slope C</b>	<b>D</b>	<b>E</b>	
458-H	106000		132000	N/A	N/A
461-H	77000	89000	106000		132000
463-H	77000	89000	106000		132000
464-H	77000	89000	106000		132000
467-H	77000	89000	106000		132000
468-H	77000	89000	106000		132000
475-H	77000	89000	106000		132000
511-H	106000		132000	N/A	N/A
512-H	106000		132000	N/A	N/A
513-H	106000		132000	N/A	N/A
514-H	106000		132000	N/A	N/A
517-H	106000		132000	N/A	N/A
518-H	106000		132000	N/A	N/A
521-H	106000		132000	N/A	N/A
522-H	106000		132000	N/A	N/A
523-H	106000		132000	N/A	N/A
524-H	106000		132000	N/A	N/A
527-H	106000		132000	N/A	N/A
528-H	106000		132000	N/A	N/A
531-H	106000		132000	N/A	N/A
532-H	106000		132000	N/A	N/A
533-H	106000		132000	N/A	N/A
534-H	106000		132000	N/A	N/A
537-H	106000		132000	N/A	N/A
538-H	106000		132000	N/A	N/A
543-H	106000		132000	N/A	N/A
544-H	106000		132000	N/A	N/A
547-H	106000		132000	N/A	N/A
548-H	106000		132000	N/A	N/A
553-H	N/A	N/A	N/A	N/A	
554-H	N/A	N/A	N/A	N/A	
557-H	N/A	N/A	N/A	N/A	
558-H	N/A	N/A	N/A	N/A	
561-H	106000		132000	N/A	N/A
563-H	106000		132000	N/A	N/A
564-H	106000		132000	N/A	N/A
567-H	106000		132000	N/A	N/A
568-H	106000		132000	N/A	N/A
575-H	106000		132000	N/A	N/A

The soil types listed below have one or more limiting characteristics that make the soil type "NA" or require on-site investigation, no matter what other characteristics of the soil may be present

**Soil Type                      Minimum Lot Size**

6***H	N/A	very poorly drained soil
*66*H	N/A	fill does not meet the Standards for Fill Material (See Key to Soil Types
76**H		On-site evaluation needed. (Usually filled, excavated or regraded sites)

The Soil Type symbols are explained in "High Intensity Soil Maps for New Hampshire. Standards, SSSNNE Special Publication No.1, revised July 2002."

"N/A" means not allowed. Doesn't count at all toward lot size.

"\*\*" means any slope or any number.

## C. Example Calculations

### Example One: Conventional Subdivision using High Intensity Soil Mapping Standards

- ~ Soil types and slopes are taken from a High Intensity Soil Survey prepared by a certified soil scientist according to the published standards.
- ~ Each lot in a subdivision is calculated individually.
- ~ The soil carrying capacity must equal 1.0 or more for the lot to meet the soil based lot size requirements.

Soil type	Square feet of soil	Lot size from Table	Divide sq. ft / lot size	Soil carrying capacity
323BH	26400	54500	26400/54500	0.48
323DH	27200	67500	27200/67500	0.40
511BH	15100	106000	15100/100600	0.15
681BH	12300	not allowed		<u>0.0</u>
Total:				1.03

This lot exceeds the minimum lot size. (3-05)

(Sq.Ft.) 200 gpd

where Q = gallons of wastewater to be discharged per day. The amount of flow will be determined by use of env-Ws 1008.2 Average Daily Flow Volume.

- (4) Final site plan approval for commercial/industrial development which generate wastes of such nature or character as to require state or federal permits for pre-treatment and discharge or subsurface disposal shall not be granted until all such permits are secured, provided however that conditional approval may be granted per RSA 676:4, I (I). The conditions upon which such permits are issued shall



comply with state and local regulations and be made part of the record before the Planning Board.

- (e) Each newly created lot must be able to incorporate a rectangle measuring forty feet by eighty feet (40 X 80) that does not encroach upon any setbacks established by town or State regulations and ordinances. At the discretion of the Planning Board this rectangle may be required to be shown on the recordable mylar for the proposed subdivision.

In addition, the building envelope for the lot cannot include the four thousand square feet required for septic system replacement as this area shall be left undisturbed in the event that the on-site septic system needs to be replaced. (8/17/00)

#### 8.21.4 SOURCES OF SOILS INFORMATION

- (a) Soils information shall be provided by use of HISS maps.
- (b) HISS mappings shall be performed by a Certified Soil Scientist and so stamped.
- (c) All costs of preparing soil data shall be borne by the subdivider.

#### 8.21.5 RELATIONSHIP BETWEEN STATE AND LOCAL REGULATIONS

Where both state and local regulations are applicable, the most stringent regulations shall take effect. If the state regulation addresses an issue not included in the local regulation or if the local regulation addresses an issue not included in the state regulation, that regulation shall automatically apply.

#### 8.21.6 SAVING CLAUSE

Where any provision included within these regulations is found to be unenforceable by law, it shall be considered severable from the remainder of the regulation and shall not be construed to invalidate any other provision in these regulations.

#### 8.21.7 RECORD OF ADOPTION

The Subdivision Regulations Supplement incorporating soils-based lot size determination has been adopted by majority vote of the Brentwood Planning Board on \_\_\_\_\_ following a duly noticed public hearing held on \_\_\_\_\_.

#### 8.21.8 EFFECTIVE DATE

These regulations are effective as of \_\_\_\_\_, on which day they have been filed with the Brentwood Town Clerk.

- 8.22 Deeds or other proposed documents of conveyance of any land located within the subdivision proposed by the Subdivider for use for recreational or other Town purposes and Town ownership shall be part of the application. This includes the requirement that deeds be submitted for land to be used for street rights of way. These proposed documents of conveyance shall be in a form satisfactory to Town Counsel. The fact that the Subdivider makes such offers and Town Counsel approves the form of the documents does not bind the Town or its agents to accepting the offer. The suitability of lands offered for recreational or conservation uses shall be determined by the Conservation Commission of the Town in the first instance. A letter indicating the Commission's opinion shall accompany the application.
- 8.23 New lots displayed on the subdivision plat should be labeled as lots A-Z. For subdivisions with more than twenty-six (26) lots the twenty-seventh (27th) lot should be designated AA, and so forth.
- 8.24 For any subdivision which requires the creation of easements, these easements shall be shown on an individual plan sheet. The purpose of this sheet will be to insure that those areas required as easement areas are clearly delineated. These easement plans will be recorded as a part of any approved plan set at the Rockingham County Registry of Deeds. In addition, each page of the plan set that is recorded will have the following notation: "All lots within this subdivision are subject to the easements

delineated on the easement plan and all deeds conveyed out of the subdivision shall include language reflecting these easements.” (10/7/99)

- 8.25 The applicant shall provide a PDF and DWG/DXF format file of the approved record drawings on a compact disk (CD). The file set shall contain all information shown on the record plan set with each file layer identified on a separate text file. The plan file shall show horizontal datum using North American Datum of 1983(NAD 83) or NH State Plane Coordinates tied to a minimum of three (3) property line monumentation points. The plan file shall also show a bench mark tied to North American Vertical Datum (NAVD 88) or (NGVD 29) (1/4/07)
- 8.26 The final plan set shall include a cover page that shows the subject parcel along with all abutting parcels within two hundred feet. Each parcel shall be labeled with their tax map references. (1/17/08)

## **SECTION 9 - ADMINISTRATION AND ENFORCEMENT**

### **9.1 General**

9.1.1 These Regulations shall be administered by the Planning Board with the assistance of the Building Inspector, Town Engineer, planning board agent and such other persons as the Board shall designate. It shall be the duty of the Board of Selectmen to enforce the Subdivision Regulations. The Selectmen in enforcing these Regulations shall act upon complaints from the public or information from the Planning Board, Building Inspector, Town Engineer, planning board agent] or others, and shall, whenever practicable, take such action as is necessary.

9.1.2 Agents designated by the Board of Selectmen, Building Inspector, Town Road Agent, Town Engineer shall be charged with the responsibility of inspecting improvements and development of subdivisions on site for compliance with the Subdivision Regulations.

### **9.2 Appeals**

9.2.1 Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision may appeal said decision to the Superior Court, as provided by RSA 677:15.

### **9.3 Amendments**

The Planning Board may from time to time amend these regulations. Amendments to the Subdivision Regulations shall include the following steps:

9.3.1 The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.

9.3.2 Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in Town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.

9.3.3 The Planning Board may adopt the amendments upon completion of the public hearing by an affirmative vote of a majority of its members.

9.3.4 Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Planning Board members and filed with the Town Clerk and the Board of Selectmen. A copy of the regulations and/or amendments shall be forwarded to the Office of State Planning.

9.4 Penalties for Transferring Lots in Unapproved Subdivisions.

- 9.4.1 Any owner, or agent of the owner, of any land located within Brentwood, who transfers or sells any land before a plat of said subdivision has been approved by the Planning Board and filed with the appropriate recording official under RSA 674:35 II, shall forfeit and pay a civil penalty of \$500.00 for each parcel or lot so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Brentwood may enjoin a transfer or sale which violates the provisions of this Section and may recover the penalty imposed by civil action. (RSA 676:16)

9.5 Fines and Penalties

- 9.5.1 Any violation of these regulations shall be punishable as per RSA 676:17, 17-a, and 17-b, as the Board of Selectmen shall elect.

The Planning Board shall also have the authority to seek injunctive relief pursuant to RSA 676:15.

## ADDENDUM A

### ROAD DESIGN AND CONSTRUCTION SPECIFICATIONS

#### GENERAL:

- A. For the proposed street construction, the contractor shall submit to the Town Engineer or other agent of the Planning Board three (3) copies of plans for proposed widths, grades, profiles, existing topography, boundaries and drainage (existing and proposed) at a scale of not less than 1" = 50' and plans of all streets showing accurately all physical features (on mylar or other suitable material). If during construction, the final location of any item changes, this shall be corrected on the final plan and returned to the Town Engineer or other agent of the Planning Board for filing.
- B. Decisions and recommendations of the Town Engineer or other agent of the Brentwood Planning Board relative to any of the requirements and conditions stated shall be final.
- C. Permanent point of origin benchmark at mean sea level must be created within the right-of-way of the new street to be created in accordance with USGS Rules and Regulations.
- D. The Town reserves the right of inspection to the Town Engineer, Planning Board, or other authorized agent from the time of approval until final acceptance.
- E. Roads will not be accepted by the Town of Brentwood for at least three (3) years after construction is completed. A Maintenance Bond in the amount of 10% of the Construction Bond value will be required to be posted prior to releasing the Construction Bond. The Maintenance Bond must remain in effect until the road is accepted by the Town. Repairs to roads prior to acceptance will be accomplished by person or persons offering road for acceptance by Town.
- Until such time that the Town Of Brentwood accepts any road as a town road, the developer shall be responsible for all maintenance and upkeep, including, but not limited to snowplowing, salt and sanding as needed. Failure to do so may result in the Town Of Brentwood's intervention at the developer's expense. Charges and penalties shall be set by the Board of Selectmen. (3-05)
- F. The finished roadway surface shall not be less than twenty-four (24) feet in width (unless otherwise approved by the Planning Board and Fire Department) and have at least four (4) foot gravel shoulders on each side of the paved section before tapering off at a 3:1 slope to the ditch line. In embankment areas where six (6) feet or more of fill is required and a 2:1 slope is used, the shoulder shall extend six (6) feet beyond the edge of pavement and a standard guard rail shall be installed. All ditch lines shall be a minimum of 18 inches below the finished road surface at the center line.
- G. The roadway shall be constructed in accordance with the typical roadway section included as part of these specifications. All work and materials shall be in accordance

Deleted:

Formatted: Highlight

**Comment [WRA5]:** Is this Maintenance Bond typically required for any subdivision road – if so, perhaps this mentioned upfront as part of the Approval Process – Did not see it listed under items required for Approval or should it be included as part of Security Required

Formatted: Highlight

Deleted:

with the latest provisions of the New Hampshire Department of Transportation, Standard Specifications for Road and Bridge Construction, unless otherwise stated herein.

- H. The grade of the road shall not be less than one percent (1%) nor more than eight percent (8%) unless specifically approved by the Planning Board.
- I. Monuments of granite six (6) inches on the top and thirty-six (36) inches long shall be set with six (6) inches exposed above ground at all street corners and angle points in the street line as well as at the ends of all curves. All street lines shall have monuments set a maximum of four (400) feet apart.

**REQUIREMENTS FOR CONSTRUCTION OF ROADS AND  
STREETS IN THE TOWN OF BRENTWOOD**

**SECTION 1 - CLEARING AND GRUBBING**

- 1.1 Prior to clearing and grubbing, the Town Engineer or other agent of the Planning Board, accompanied by the Developer, shall review the layout of the clearing limits and approve or disapprove it.
- 1.2 This work shall consist of clearing, grubbing, removing and disposing of all vegetation and debris within the right-of-way.
- 1.3 This work shall also include the removal and disposal of all stone walls and fences within the right-of-way.
- 1.4 This work shall also include the preservation from injury or defacement of all vegetation and objects designated by the Town Engineer or other agent of the Planning Board to remain.
- 1.5 All debris shall be disposed of outside of the right-of-way.

**SECTION 2 - EXCAVATION AND EMBANKMENT**

- 2.1 All excavation and embankment operations shall be done in accordance with the applicable sections of the document, Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990, as amended.
- 2.2 All testing of embankments, i.e., gradation, compaction, etc., shall be performed by an independent testing laboratory, approved by the State to perform such tests, and shall be paid for by the Developer.
- 2.3 Prior to placing any gravel sub-base, the Town Engineer or other agent of the Planning Board shall have inspected the sub-grade as suitable for placing the gravel sub-base.

**SECTION 3 - SUBGRADE AND PLACEMENT FILL**

- 3.1 The sub-grade of the road bed shall be constructed to the required width, grade, and cross section as shown on the typical section on file with the Planning Board and the Town Engineer.
- 3.2 All unsuitable material including stumps, large roots, loam, muck, organic material and any other improper road foundation material within the limits of the right-of-way shall be completely removed.



- 3.3 The sub-grade shall be proof rolled with a minimum of a 10 ton roller with at least five (5) passes, any material which weaves or otherwise yields shall be removed. The Developers engineer shall certify that the roadway has been proof rolled and all yielding material has been removed.
- 3.4 Any unsuitable material encountered in the sub-grade shall be replaced with granular backfill meeting NHDOT Item #209 containing no stone greater in any dimension than six inches and shall be compacted in accordance with the document, Standard Specification for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990, as amended to an effort of at least 95% of maximum dry density measured in accordance with AASHTO T-99, Method C.
- 3.5 Ledge and boulders larger than 6 inches shall be removed to a minimum of at least 8 inches below sub-grade and replaced with sand or bankrun gravel.
- 3.6 All fill material placed above sub-grade and in trenches shall meet the minimum material requirements of NHDOT, Granular Backfill, Section 209. Fill shall be placed in maximum lifts of 12". Each lift shall be compacted to 95% of maximum dry density (AASHTO T-99, Method C). Compaction tests shall be completed at 50 foot increments for each lift. In the case of the culvert trenching a minimum of two (2) tests (one in each travelway) shall be completed per lift. The Town shall be furnished a copy of all compaction test results. The expense of the compaction tests shall be born by the Developer.

#### **SECTION 4 - DRAINAGE**

- 4.1 The Developer shall engage the services of a registered professional engineer currently licensed to practice in the State of New Hampshire to make a complete study of the subdivision, including adjacent properties which may be contributing run-off water, or have natural water courses affecting said subdivision, for the purpose of designing a storm drainage system for the subdivision.
- 4.2 Any offsite discharge of runoff under proposed conditions shall be consistent with the requirements of the Town of Brentwood's Stormwater Ordinance. The storm drainage design shall result in a "net-zero" increase in runoff. All ponds shall be designed to safely pass the 100 year storm event.
- 4.3 The Developer shall submit the design, criteria, and plans for the proposed storm drainage system on the preliminary plan.
- 4.4 All pipes used for storm drains shall be Class IV reinforced concrete pipe not less than 15 inches in diameter measured inside of the pipe, certified by the manufacturer. The minimum pipe slope shall be 0.005.
- 4.5 Headwalls of a type recognized by the N.H. Department of Transportation shall be constructed at the ends of all pipes which drain to the surface of the ground.

Deleted:

Deleted: The criteria

Deleted: to be used shall be the criteria currently used by the N.H. Department of Transportation for designing storm drainage systems for roadways. Design criteria shall be a twenty-five (25) year storm frequency.

## **SECTION 5 - GRAVEL SUB-BASE AND CRUSHED GRAVEL BASE**

- 5.1 A sub-base course of gravel consisting of 12 inches, placed in two six (6) inch lifts and compacted to 95% of dry density (AASHTO T-99, Method C) shall be constructed. The gravel sub-base shall be tested, at the expense of the Developer at an interval of one test every 50' of roadway per lift. The Town shall be furnished with a copy of the test reports.
- 5.2 A gravel base consisting of six (6) inches of crushed gravel containing no stone larger than three (3) inches shall be constructed on the approved sub-base in accordance with the document, Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990, as amended. The width and depth of the gravel sub-base shall be in accordance with the typical section on file with the Planning Board and the Town Engineer. The Developer shall have the gravel base tested for compaction as described in Section 5.1 above. The cost of such testing to be paid for by the Developer.
- 5.3 Material used for Gravel Sub-base and crushed gravel base shall meet or exceed the standards described in the document, Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990, as amended and as detailed on the typical cross section.

## **SECTION 6 - BITUMINOUS CONCRETE PAVEMENT**

- 6.1 The construction of Bituminous Concrete Pavement and materials used shall be in accordance with the document, Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990, as amended. The Applicant should consider the use of porous pavement where appropriate to meet the groundwater recharge, peak flow and water quality requirements of the Town of Brentwood's Stormwater Management Ordinance.
- 6.2 Bituminous concrete pavement shall be constructed in two courses as shown on the typical section. 2 ½ " (Type D: Single Course), 1 ½ " wearing course (Type E: ½ ") (Amended 7/19/01)
- 6.3 A maximum tolerance of 1/4 inch in 10 feet in any direction from the theoretical plane will be allowed.
- 6.4 The binder course shall be in place for two (2) winter seasons before application of the final wearing course. The binder course shall be shimmed prior to placement of surface course to remove any irregularities from settlement or construction/maintenance damage.

## **SECTION 7 - GUARD RAIL**

- 7.1 On all fill slopes of greater than 3:1, guard rail will be installed in accordance with the standard details contained in the document, Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990, as amended.

## **SECTION 8 - SEEDING**

- 8.1 Humus material will be placed on the final slope. This material shall be free from stumps, roots, rocks, glass and other non-desirable material greater than 1" in diameter designated by the Town Engineer or other agent of the Planning Board.
- 8.2 After placing and shaping of humus material, all slopes except rock slope ledge shall be seeded with a mixture of seed at an application rate set forth in the document, Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990, as amended for slope seed.

## **SECTION 9 - SIGNS AND MAILBOXES**

- 9.1 Signs with names of street conforming to standards of Town of Brentwood shall be erected on required metal posts.
- 9.2 All traffic regulatory signs shall be furnished by the Developer. All traffic regulatory signs shall be in accordance with the Manual on Uniform Traffic Control Devices.
- 9.3 The face of all mailboxes shall be four (4) feet from edge of pavement and forty-two (42) inches in height from the pavement surface to the inside bottom surface of the mailbox. Mailbox posts shall be six (6) feet from edge of pavement. (Amended 8/16/01)

## **SECTION 10 - CURBING AND SIDEWALKS**

- 10.1 Curbing shall be granite and installed and constructed in accordance with the Standard Specifications. The curb reveal will be six (6) inches above finished pavement grade. Bituminous sidewalks shall be constructed in accordance with the document, Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990, as amended. The total thickness of the Bituminous sidewalk will be 2 ½ inches consisting of a 1 ½ inch binder course and a 1-inch wearing course placed on 12 inches of compacted gravel base.

## **SECTION 11 - CONSTRUCTION AND INSPECTION PROCEDURES**

Prior to commencing any work the Developer shall schedule and hold a preconstruction meeting. The Planning Board, Road Agent, Selectmen and Town Engineer shall be notified at least one (1) week in advance of the meeting. The meeting shall be held at a time mutually agreeable to all parties. The following items shall be discussed at the Preconstruction Meeting:

1. Contacts:

- 1.1 A sign up sheet shall be distributed at the meeting for identification of the Developer, Contractor, Engineer, and Town contacts. This sign up sheet will be attached to the meeting notes and will identify addresses and phone numbers for key contacts including the individual(s) that will be responsible for regular inspections and maintenance during the construction period. This same list will be used for distribution of the meeting notes.

Deleted:

Deleted:

- 1.2 In the event of an emergency an individual from the contractor must be identified and available on a twenty four (24) hour call basis.

2. Schedule:

- 2.1 The Developer shall provide a schedule identifying key components of the construction activities including inspection and maintenance activities and the use of temporary control measures.
- 2.2 The Developer shall provide the Town's Engineer with at least forty eight (48) hours advance notice for completing the mandatory inspections identified in subsequent sections of this agenda.

3. Mandatory Inspections:

- 3.1 The Town's Consultant shall complete inspections at the following intervals:

- a. Inspection of clearing limits and erosion control devices prior to commencing earthwork.
- b. Inspection of sub-grade prior to placement of any fill.
- c. Inspection of granular base sub-grade prior to placement of select gravel material.
- d. Inspection of granular base material prior to placement of any binder or wearing course pavements.
- e. Inspection of binder installation.
- f. Inspection of roadway when all work is substantially complete and ready for release of Construction Bond.
- g. Inspection of shim course prior to overlay and inspection of overlay.

- 3.2 A written report will be furnished for each inspection noting any areas that are of concern or in violation of the approved plans.

4. Testing Services:

4.1 The Developer shall arrange for an independent geotechnical testing firm to complete the following tests and certifications:

- a. Provide a written certification from a licensed Professional Engineer that all organic material and unsuitable material has been removed from the roadway. This shall include inspecting the sub-grade prior to placement of any fill, by proof rolling with a minimum of a ten (10) ton vibratory roller making five (5) passes over the sub-grade. Any areas which demonstrate weaving shall be considered to be unsuitable.
- b. Compaction tests shall be completed for each lift of fill material placed at a frequency of one (1) test for every 50 l.f for roadway. The maximum lift of fill material shall be twelve (12) inches.
- c. Compaction tests shall be completed in each trench for either the water line storm drain or other subsurface utilities. Compaction tests shall be completed on each lift of material placed at an increment not to exceed one (1) test for every 50 feet of trench. The maximum lift shall be twelve (12) inches.
- d. The geotechnical consultant shall provide material certifications for all common borrow and granular base material utilized on the project.
- e. The geotechnical consultant shall provide inspection reports detailing the location of the tests, date of tests, results of the tests. These reports shall be made available to the Town's Consulting Engineer as they are generated.

Deleted:

Deleted:

5. Submittals:

- 5.1 The Developer shall provide material certifications for all drainage pipe, bituminous pavement and granular base materials utilized on the project.
- 5.2 The Developer shall provide certification that no hazardous material has been placed within the limits of the right-of-way.

6. As-Built Survey:

- 6.1 The Developer shall maintain a set of as-built records on site during the progress of the work. The Developer shall furnish the Town with one (1) set of as-built drawings certified by a licensed professional engineer or surveyor depicting the roadway alignment, finished grade, monuments and utility locations depth and sizes.

Diameter	Headwall Length	Headwall Height	Fill Height	Pipe Cover	Headwall Bottom Width
D	L	H	FH	h	W

<b>12"</b>	<b>4-3</b>	<b>3-9</b>	<b>1-1</b>	<b>1-3</b>	<b>2-0</b>
<b>15"</b>	<b>6-0</b>	<b>4-3</b>	<b>1-7</b>	<b>1-6</b>	<b>2-1</b>
<b>18"</b>	<b>7-0</b>	<b>4-6</b>	<b>1-10</b>	<b>1-6</b>	<b>2-2</b>
<b>24"</b>	<b>9-0</b>	<b>5-0</b>	<b>2-4</b>	<b>1-6</b>	<b>2-3</b>
<b>30"</b>	<b>11-0</b>	<b>5-6</b>	<b>2-10</b>	<b>1-6</b>	<b>2-5</b>
<b>36"</b>	<b>13-0</b>	<b>6-0</b>	<b>3-4</b>	<b>1-6</b>	<b>2-6</b>
<b>42"</b>	<b>15-9</b>	<b>6-9</b>	<b>4-1</b>	<b>1-9</b>	<b>2-9</b>
<b>48"</b>	<b>17-9</b>	<b>7-3</b>	<b>4-7</b>	<b>1-9</b>	<b>2-10</b>

**Note:**

1. All dimensions given in feet and inches except pipe diameter.
2. Provide bell end at inlet headwall, and spigot end at outlet end headwall.
3. Rip-rap shall be sized to resist the tractive velocity forces.

## ADDENDUM B

### LOT LINE ADJUSTMENT APPLICATION CHECKLIST

Name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Tax map(s) and Lot Number(s) of lots involved  
\_\_\_\_\_

In order to be complete, a lot line adjustment application shall contain the following information, where applicable:

- \_\_\_ Copy of deeds of parcels involved in lot line adjustment
- \_\_\_ List of abutters and addresses
- \_\_\_ Five (5) full size and five (5) size B copies of the plan showing the following, where applicable
- \_\_\_ Current Owner's name and address
- \_\_\_ Option holder's name and address
- \_\_\_ Surveyor name, address, signed stamp, and error of closure certification
- \_\_\_ North arrow
- \_\_\_ Scale (not more than 100 feet to the inch)
- \_\_\_ Date
- \_\_\_ Location (Locus) map
- \_\_\_ Tax map and parcel number
- \_\_\_ Location and dimension of property lines including entire undivided lot. Each lot must be numbered according to the tax map numbering system
- \_\_\_ Old and new lot lines
- \_\_\_ Abutting subdivision names, streets, easements, building lines, parks & public places, & similar facts regarding abutting properties
- \_\_\_ Area of proposed lots
- \_\_\_ Location of existing & proposed easements or rights-of-way; utility, slope and/or drainage
- \_\_\_ Location of existing buildings
- \_\_\_ Location of existing & proposed sewer & water lines and utilities
- \_\_\_ Name, width, class & location of existing & proposed streets
- \_\_\_ Location of water courses, standing water, and fire ponds

\_\_\_ Location of ledges, stone walls, & other natural features

\_\_\_ Other essential features

\_\_\_ Edges of wetlands and brooks

Lot Line Adjustment Application checklist (pg. 2 of 2)

\_\_\_ Common and dedicated land

\_\_\_ Access locations to existing town & state highways

\_\_\_ Title Block

\_\_\_ Copies of all applicable permits and applications for permits

\_\_\_ Certification by the surveyor that the field work undertaken in the preparation of the plan has an error of closure no greater than 1 part in 10,000

\_\_\_ Plan at the scale conforming to the Brentwood Tax Map

\_\_\_ Approval block for Planning Board endorsement

\_\_\_ Monumentation shown on plat as set, concrete bounds at new lot corners, iron pins on runs longer than 400 feet

\_\_\_ Building setbacks from property lines and from poorly and very poorly drained soils where appropriate

"Reasonable fees in addition to fees for notice . . . may be imposed by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications" ( RSA 676:4 (g)).

The following items may be required by the Planning Board before final approval is granted:

\_\_\_ Erosion and sediment control plan

\_\_\_ Traffic Impact Analysis

\_\_\_ Environmental Impact Studies

\_\_\_ N.H. Wetlands Board Dredge and Fill Permit

\_\_\_ Driveway Access Permit

\_\_\_ NH WS & PCD Major Alteration Permit (149:8-a)

\_\_\_ Construction and Maintenance Bonding

\_\_\_ Town Engineer Review of Proposal

\_\_\_ Miscellaneous Engineering Studies

\_\_\_ Topographical Map (2 ft. intervals) existing & proposed

\_\_\_ Location of test pits and test pit logs

\_\_\_ High Intensity Soils Map overlay with 5 digit nomenclature (by Qualified Soil Scientist) showing soil types, slopes, & calculations



## APPLICATION FOR LOT LINE ADJUSTMENT

**Note:** Lot line adjustments or boundary agreements are those applications which do not result in newly created buildable lots.

1. Name, mailing address and telephone number of subdivider(s)

---

---

---

2. Name, mailing address and telephone number of owner of record if other than applicant

---

---

---

3. Location (address) of proposed Lot line adjustment

---

4. Town of Brentwood Tax Map(s) and Lot Number(s) of affected properties

---

Name, mailing address and telephone number of surveyor and/or agent

---

---

---

5. Abutters: Attach a separate sheet listing the Town of Brentwood Tax Map, Lot Number, Name and Mailing Address of all abutters, including those across a street, brook or stream. Names should be those of current owners as recorded in the Town of Brentwood Tax Records. Provide on mailing labels, in triplicate.

**Note:** No application shall be heard unless all abutters as described herein have been notified

6. **NOTE WELL:** No Lot Line Adjustment Hearing shall be scheduled unless the following is submitted to the Town Hall 20 days prior to the date upon which the applicant wishes his/her application to be heard:
- This application, correctly completed with the required attachments.
  - Five (5) full size copies, and 5 B size copies of the Final Plan, including all pertinent information as required by the Subdivision Regulations , Section 8, "Specific Plan Requirements".
  - Payment of all applicable subdivision fees.
  - An abutter list with all abutters of the parcel. Abutter notification fees must be paid upon application.
  - The applicant shall submit to the Planning Board new deeds for the properties involved that show the results of the lot line adjustment. These deeds must be submitted for Board review prior to their being recorded by the Town with the new plot plans at the Rockingham County Registry of Deeds.

7. <u>Fees:</u>	Advertising/secretarial costs		\$170.00
	Abutter notification (each)	\$ 7.50	_____
	Any engineering or professional costs		_____
	Total		_____

The subdivider and/or owner, or agent, certifies that this application is correctly completed with all required attachments, and requirements as stated in Part 6 of this application have been met, and that any additional costs for engineering or professional services incurred by the Brentwood Planning Board or the Town of Brentwood in the final subdivision process of this property shall be borne by the subdivider and/or owner.

Date                      Subdivision and/or Owner, or Agent

\_\_\_\_\_

\_\_\_\_\_

"I hereby authorize the Brentwood Planning Board and its agents to access my land for the purposes of reviewing this lot line adjustment plan, performing road inspections and any other inspections deemed necessary by the Board or its agents, to insure conformance of the on-site improvements with the approved plan and all Town of Brentwood ordinances and regulations."

Date

Owner

---

---

---

## **ADDENDUM C**

### **DRIVEWAY AND OTHER ACCESSES TO TOWN ROADS**

#### **SECTION 1 - AUTHORITY AND PURPOSE**

Pursuant to the authority vested in the Planning Board of the Town of Brentwood by N.H. RSA 236:13, V, the following regulations are promulgated as required by N.H. RSA 236:13, V, the said Planning Board having previously been granted the power to regulate the subdivision of land by vote of the Brentwood Town Meeting on March 9, 1974. The purpose of these regulations is to provide a mechanism whereby abutters may obtain access to Town roads in a planned and orderly manner in order to insure the public health and safety of all residents of the Town. For the purposes of this regulation, when the driveway or access point is in a subdivision or on a road not yet accepted by the Town, the Planning Board's permitting and inspection agent shall be the Town's consulting engineer. When the driveway or access permit involves a Town road the Planning Board's permitting and inspection agent shall be the Road Agent.

#### **SECTION 2 - PERMIT REQUIRED**

No person shall construct, or alter in any way that, in the opinion of the Planning Board's Agent, Town Building Inspector, or Road Agent, substantially affects the size or grade of any driveway, entrance, exit, or approach within the limits of the right-of-way of any Class IV, V, or VI highway or Town maintained portion of any Class II highway as defined by N.H. RSA 230:4 that does not conform to the terms and specifications of a written permit issued by the Town's Road Agent or the Brentwood Planning Board's agent.

#### **SECTION 3 - CONTENTS OF APPLICATION AND PERMIT**

A written construction permit application must be obtained from, filed with and approved by the Planning Board's agent before any construction or alteration work is commenced.

A. All said applications shall:

1. Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public.
2. Describe any drainage structures, traffic control devices, and channelization islands to be installed by the abutter.
3. Establish grades that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year.

4. Include any other terms and specifications necessary for the safety of the traveling public.
- B. Applications regarding access to industrial enterprise or to a subdivision, all of which for the purposes of these regulations shall be considered a single parcel of land, even though acquired by more than one conveyance or held nominally by more than one owner, shall:
1. Be accompanied by an engineering drawing showing information set forth in subsection A:1-4 above;
  2. Not be approved for more than one access to a single parcel of land unless all season safe sight distance of 400 feet in both directions along the road can be obtained. The access approved by the Board shall be at that location the Board determines to be the safest.
  3. Be reviewed with "all season safe sight distance" defined as provided by N.H. RSA 249:17 III (c).

#### **SECTION 4 - LIMITATION ON PERMITS**

No construction permit shall allow:

- A. A driveway, entrance, exit or approach to be constructed more than fifty (50) feet in width, except that a driveway, entrance, exit or approach may be flared beyond a width of fifty (50) feet at its junction with the road to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.
- B. More than two (2) driveways, entrances, exits or approaches from any one road to any one parcel of land unless the frontage along that road exceeds five hundred (500) feet.

#### **SECTION 5 - APPEAL OF DENIAL OF PERMIT**

In the event the Planning Board's agent denies any application for a permit the applicant may, by a request in writing, appear before the Board at its next regularly scheduled public meeting to appeal the denial. Notice of said appeal shall additionally be given to abutters and be published all as required by N.H. RSA 36:23 (Supp. 1979) and the Planning Board's regulations in the case of subdivision requests, the expense of same to be borne and prepaid by the appealing applicant. At said meeting, the Board may reaffirm or modify its action and/or accept any changes proposed by the applicant.

#### **SECTION 6 - EFFECTIVE DATE**

These regulations shall take effect upon the filing of certified copies of same with the Town Clerk and the Board of Selectmen.

## **SECTION 7 - BONDS**

The Planning Board or its agent may require the posting of a bond or other such surety with the Town Treasurer in an amount as it requires reasonably sufficient to guarantee compliance with the permit.

## **SECTION 8 - FEES** (Adopted 1/6/83)

A twenty-five dollar (\$25.00) inspection fee will be charged, payable in advance to the Town of Brentwood. Inspector shall be entitled to ninety percent (90%) compensation for their services.

---

Sections 1, 2, and 3, in their entirety, result from an amendment effective 12/20/79.

Add typical driveway section here





**TOWN OF BRENTWOOD**

**SITE PLAN REVIEW REGULATIONS**

- Adopted November 19, 1992 -
- Amended January 21, 1993 -
- Amended January 2, 1997 -
  - Amended May 1, 1997 -
  - Amended June 5, 1997 -
- Amended August 16, 2001 -
- Amended October 17, 2002 -
- Amended February 20, 2003 -
  - Amended July 15, 2004 -
- Amended December 15, 2005 –
  - Amended January 17, 2008-

## **TABLE OF CONTENTS**

<b><u>SECTION</u></b>	<b><u>CONTENT</u></b>	<b><u>PAGE</u></b>
1.0	AUTHORITY AND TITLE .....	1
2.0	PURPOSE AND INTENT .....	1
3.0	CONFLICTING PROVISIONS AND VALIDITY .....	1
4.0	JURISDICTION .....	1
5.0	DEFINITIONS .....	2
6.0	GENERAL STANDARDS AND PRINCIPLES FOR SITE PLAN REVIEW	2
7.0	GENERAL INFORMATION REGARDING THE SITE PLAN REVIEW PROCESS 4	
8.0	PROCEDURES FOR SITE PLAN REVIEW .....	5
9.0	SPECIFIC PLAN REQUIREMENTS .....	8
10.0	ADMINISTRATION AND ENFORCEMENT .....	22

**TOWN OF BRENTWOOD**  
**SITE PLAN REVIEW REGULATIONS**

**SECTION 1 - AUTHORITY AND TITLE**

Pursuant to the authority vested in the Planning Board by the voters of the Town of Brentwood and in accordance with RSA 674:43 the Planning Board has been empowered to review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses, or for multi-family dwelling units whether or not such development includes the subdivision or re-subdivision of the site.

These regulations shall be known, and may be cited as, the "Town of Brentwood Site Plan Review Regulations," hereinafter referred to as "Site Plan Review Regulations." The current set of Regulations revise and replace the Brentwood Site Plan Review Regulations of 1985, as amended, and take effect upon adoption by the Board and filing with the Brentwood Town Clerk in accordance with RSA 675:6. A copy shall also be filed with the NH Office of State Planning in accordance with RSA 675:9.]

**SECTION 2 - PURPOSE AND INTENT**

The purpose of the Site Review Procedure as detailed in RSA 674:44 is to protect the public health, safety, and welfare; to promote balanced growth; to ensure sound site utilization; to avoid development which may result in adverse environmental impacts; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; and to guide the character of development.

The Site Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations, or any other ordinance which pertains to the proposed development. No site plan will be finally approved until it complies in all respects to any and all pertinent ordinances and regulations of the Town of Brentwood.

**SECTION 3 - CONFLICTING PROVISIONS AND VALIDITY**

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

## **SECTION 4 - JURISDICTION**

4.1 The provisions of these regulations shall apply to all land within the boundaries of the Town of Brentwood.

4.1.1 Any person proposing site development in the Town of Brentwood must apply to the Planning Board for approval of such activity.

4.1.2 A site plan review application must be made and approved:

before a change or expansion of non-residential use;

before any construction, land clearing or building development is begun;

before any permit for the erection of any building may be granted, and;

before a site plan plat may be filed with the County Registry of Deeds.

4.1.3 Site plans for all multi-family dwellings and non-residential development shall be submitted to the Planning Board for review. A full site plan review will not be required for any expansion or change of use of any existing non-residential or multi-family use under the following circumstances:

4.1.3.1 A new site plan need not be submitted for Planning Board approval if the proposed development of the site; and

- a. there is an approved site plan for the property on file in the Planning Board office; and
- b. does not constitute a change of use;
- c. does not result in expansion greater than seven percent of the original structure's size; (in no instance shall the increase constitute greater than 1500 square feet of new construction); and
- d. all other requirements of site plan review are met.
- e. all site activity must presently conform to the existing recorded site plan.

4.1.3.2 This site plan review exemption may be utilized two times on any non-residential parcel, and only after the applicant has had an informal consultation with the Planning Board at which the determination is made that a site plan is not required. After the second time any further expansion must be approved by the

Planning Board within the scope of formal site plan review procedures.

- 4.2 No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations (except as described in 4.1.3.1 and 4.1.3.2 above) until a copy of an approved site plan plat has been presented by the applicant to the Building Inspector.

## **SECTION 5 - DEFINITIONS**

- 5.1 Change of Use: Any change which has an effect on the nature of the activity conducted on the site, its impact on the environment or public health and safety, the type and number of visitors or customers, traffic pattern, or the appearance of the structure or the site. (10-17-02)

All definitions appearing in the Town of Brentwood Zoning Ordinance are applicable to subdivision and site plan review regulations.

## **SECTION 6 - GENERAL STANDARDS AND PRINCIPLES FOR SITE PLAN REVIEW**

In review of any site plans conducted under these regulations, the Planning Board will require that adequate provisions be made by the owner or his agent for:

- 6.1 Appropriate buffers that shall be maintained or installed to screen the use from neighboring properties. Landscape treatment shall consist of natural vegetation or features, or ground cover, shrubs, trees as appropriate, or fencing;
- 6.2 Sufficient off-street parking for the anticipated use;
- 6.3 Sufficient off-street loading space, including off-street areas for maneuvering the anticipated trucks or other vehicles;
- 6.4 Access, parking and loading areas constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental effect on abutting or neighboring properties. The Planning Board may require oiling or paving if appropriate or necessary;
- 6.5 Grading, paving and storm drainage systems, so that development will not result in erosion/sedimentation or increase in peak rate and volume of runoff to streams, or damage to abutting properties and roads;
- 6.6 Light glare and odors so that same will not be discernible off the premises except for indirect lighting of permitted signs or security lighting. Lighting shall not glare on abutting properties or on public highways or streets;

Comment [WRA6]: We may want to delete the Oiling

Deleted: of

- 6.7 Access to public streets that will meet the standards of the New Hampshire Department of Transportation and/or the specifications for the construction of roads in Brentwood as detailed in Appendix A of the Town of Brentwood Subdivision Regulations;
- 6.8 To insure that water supply and sewage disposal facilities are sized to adequately meet the needs of the proposed use under the regulations of New Hampshire Department of Environmental Services Water Division and the Town of Brentwood Zoning ordinance for the Siting of Septic Systems;
- 6.9 Pedestrian and bicycle safety and access;
- 6.10 Provide appropriate storm water treatment and ground water recharge using a Low Impact Development (LID) measures;
- 6.11 Adequate fire safety, prevention, and control;
- 6.12 Suitably located and coordinated travelways of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access to buildings for fire fighting apparatus and other emergency equipment;
- 6.13 Conformance with all existing regulations and ordinances;
- 6.14 Demonstration that the proposal is generally consistent with the Town's Master Plan;
- 6.15 The minimization of encroachment on neighboring land uses;
- 6.16 Adequate green areas, open space, conservation easements, slope and drainage easements as may be necessary or applicable;
- 6.17 Sidewalks, when required, shall be installed and constructed in accordance with the specifications of the Town of Brentwood.
- 6.18 Fire protection measures for non-residential uses shall be in accordance with subdivision regulation 6.9. (12/05)
- 6.19 The public health, safety and welfare will be otherwise protected.

Deleted: Supply & Pollution Control

Deleted: S

Deleted: drainage

In addition to the general standards for site plan review listed above the applicant shall observe the following general principles governing site development:

- 6.20 Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, impermeable soil or other menace shall not be platted for building, nor for such other uses as may increase danger to health, life or property or aggravate the flood or sewage hazard, until appropriate measures have been taken by the owner or his agent to eliminate such hazards.

- 6.21 All public or private utilities, sewerage and drainage facilities, curbs and sidewalks, when required, shall be installed and constructed in accordance with the specifications spelled out in the Town of Brentwood Subdivision Regulations and Applicable Zoning Ordinances.
- 6.22 A detailed plan indicating how the site will be served by electric, telephone and any other public utility must be provided. If the utility company(s) require an easement to provide service, no final approval shall be granted by the Brentwood Planning Board until such easements are secured.
- 6.23 Pursuant to RSA 674:44,IV, the Board may require special improvements on or off-site which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular site plan review. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefore. The Planning Board may require, either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the site, taking into consideration the municipality's ability to pay for such improvements.
- 6.24 The development of the site shall not change the topography of the land to be developed by the removal of trees, shrubs, soil and rocks, except that which is necessary for the building of the structures and driveways.
- 6.25 The applicant must file when appropriate, emergency planning documentation with the Brentwood Office of Emergency Management. These forms are available in the Planning Board office.

## **SECTION 7 - GENERAL INFORMATION REGARDING THE BRENTWOOD SITE PLAN REVIEW PROCESS**

- 7.1 It is recommended that the applicant read the Town of Brentwood Zoning Ordinance, Building Code, and Subdivision Regulations.
- 7.2 The applicant shall make application using appropriate forms provided by the Planning Board and shall conform to the application procedures and any other applicable regulations adopted by the Town.
- 7.3 The applicant shall be required to pay all reasonable costs or fees for special investigative studies and the review of documents, which are particular to the application, in addition to administrative and notification fees as required by the Board, in accordance with RSA 676:4,I(g). Deleted:
- 7.4 The Board or its representative may make a visual on-site inspection of the land at any stage of the proposal. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.

- 7.5 If a plan is withdrawn prior to hearing notification for the plan, no further action is required by the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.
- 7.6 Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any proposed street, highway, park or other public open space.
- 7.7 Only the Town of Brentwood Planning Board has the authority to waive any Site Plan Review Regulations. The procedure for granting of waivers is found at Section 10.3 below.
- 7.8 In accordance with state law any developments which are likely to have impacts beyond the boundaries of the Town of Brentwood shall be processed by the Brentwood Planning Board according to the procedures established in RSA 36: 54-58.
- 7.9 In the case where an owner of contiguous land which is located in more than one municipality applies to the Brentwood Planning Board for site plan the proceedings will be done in conformance with the standards outlined in RSA 674:53, Land Affected by Municipal Boundaries.

## **SECTION 8 - PROCEDURES FOR SITE PLAN REVIEW**

- 8.1 Pre-application Review Phase The Brentwood Planning Board may provide for pre-application review of site plan plats in accordance with RSA 676:4,II, a-c, as follows: (These steps are optional however.)
  - 8.1.1 Preliminary Conceptual Consultation Phase. This is an optional phase directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under RSA 676:4,I(d); however such discussions may occur only at formal meetings of the board.
    - 8.1.1.1 It is recommended that the applicant submit the following information for the preliminary consultation with the Board:
      - Correct names and mailings addresses and zip codes of owner(s) of record (and applicant, if different), and a brief description of the proposal.
  - 8.1.2 Design Review Phase. This is an optional phase intended for nonbinding discussions with the applicant, beyond conceptual and general discussions,



which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I(d). Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.

8.1.2.1 When meeting with the Planning Board under the design review phase option, a rough sketch of the site should be provided which shows the following:

- a. Location of lot lines.
- b. Lot measurements.
- c. Streets surrounding site.

8.1.3 Persons wishing to engage in either the conceptual consultation, or design review pre-application phases shall request an appointment with the Planning Board by contacting the Planning Board secretary or the circuit rider planner.

## 8.2 Formal Application

8.2.1 Applications for site plan review shall be filed with the Planning Board and shall fulfill all the requirements of these Regulations. An application shall be filled out using forms approved by the Planning Board and available at the Planning Board office. It is required that the applicant meet with the Town's Planning Board Agent before making formal application so that potential problems may be addressed as early as possible in the planning process.

Deleted:

A completed application will be submitted to and accepted for consideration by the Planning Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.

8.2.2 Incomplete applications shall not be placed on the Brentwood Planning Board agenda.

8.2.3 The Planning Board at any given time may deem an application complete and schedule same for a Public Hearing.

8.2.4 All completed applications scheduled for Planning Board hearings shall be accompanied by the following:

8.2.4.1 A letter of intent, detailing the scope of the proposed development.

8.2.4.2 A letter of authorization if a representative other than the property owner expects to be in charge of the development proceedings before the Board. This letter must be written by the present owner and state that the owner is in agreement with the development plans being proposed before the board.

8.2.4.3 A copy of the deed(s) establishing ownership to be filed with the Planning Board.

8.2.4.4 On a separate form provided by the Planning Board, the correct names and mailing addresses and zip codes of the applicant and owner(s) of record (if different), and all abutters (including those across the street or stream) as indicated in Town records -- to be obtained not more than 5 days before the day of filing.

8.2.5 The applicant shall submit to the Planning Board a complete application for site plan approval, including all supporting exhibits as specified under Sections 8 and 9 of these regulations. At that time, the Planning Board Secretary will submit plans to the town engineer, Planning Board agent, fire department and police department.

8.2.6 **Fees**

**Comment [WRA7]:** Should the Maintenance Bond as described in the Addendum A- Road Design be listed as a fee for road maintenance in first three years

8.2.6.1 An application and secretarial fee.

8.2.6.2 Cost of certified mailings for each landowner within 200 feet of the proposed subdivision. Notice to abutters shall be made by Planning Board 10 days prior to date of formal submission of application by certified mail, return receipt requested.

8.2.6.3 A fee to cover the costs of publication of a legal notice in a paper of general circulation.

8.2.6.4 In the event that the abutters' hearing is defaulted for any reason, or additional hearings are required, all fees except those for the tax map changes shall be repaid by the applicant for the new hearing.

8.2.6.5 The applicant for site plan review shall bear the following costs to be paid before the Site Plan Review mylar is signed by the Planning Board:

- A. A fee to cover the costs of making appropriate changes to the Brentwood tax maps.
- B. The costs incurred as a result of review by the Town's planner or other consultant.
- C. The cost of recording the original mylar and securing two copies of this plan at the Rockingham County Registry of Deeds.
- D. Any and all costs deemed necessary by the Director of Public Works and/or the Planning Board in excess of the above shall be paid by the applicant before the final approval.

### 8.3 Notification

The Planning Board shall notify the applicant and abutters by certified mail, of the date upon which the application will be submitted to the Board for formal consideration. According to RSA 676:4 (d), notice shall be mailed at least ten (10) days prior to date of submission. Notice to the general public shall also be given at the same time by posting in two (2) public places. The notice shall include a general description of the proposal, the applicant's name, and location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in any prior notice, additional notice is not required, nor shall additional notice be required of an adjourned session of a hearing properly noticed, if the date, time and place of the adjourned session was made known at the prior hearing.

### 8.4 Acceptance, Formal Consideration and Public Hearing

8.4.1 At the beginning of the public hearing, the Planning Board may formally accept for consideration the application for site plan if all requirements have been met. This marks the beginning of the sixty-five (65) day review period described in Section 8.4.5 of these Regulations. (RSA 676:4, I(c)). (Amended 8/16/01)

Should an application be found incomplete, the Board shall notify the applicant requesting that the necessary documentation be submitted and informing the applicant that no further consideration of the application can be made until the application is complete.

8.4.2 During the public hearing, the Planning Board will take testimony from the applicant, questions by members of the Board and questions from any abutters present and any members of the public present with an interest in the proceedings.

8.4.3 The Planning Board and such other appropriate Town agencies or agents, may choose to arrange an inspection of the proposed site with the applicant. The applicant and/or landowner is requested to attend the inspection.

8.4.4 The Planning Board shall not have the authority to [finally] approve an application which does not conform to the Brentwood Zoning Ordinance. It shall be the power of the Zoning Board of Adjustment to authorize, upon appeal, in specific cases, variances or exceptions from the terms of the zoning ordinances (see RSA 674:33 and any amendment thereto).

8.4.5 Within 65 days of formal acceptance of the plan the Planning Board will make a decision on the site plan proposal as follows:

8.4.5.1 Approval. At a duly noticed public meeting, the board shall act to approve, conditionally approve, or disapprove, the application. The sixty-five (65) day time limit shall be subject to

extension OR waiver as provided below in Sections 8.5 and 8.6 (RSA 676:4, I(c)). (Amended 8/16/01)

8.4.5.2 Conditional Approval. The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

- A. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- B. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
- C. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided said permits and approvals themselves have not required a change to the Plat submitted to the Board or to any other conditions imposed by the Board. All other conditions shall require a hearing, and notice to

abutters and the public, except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session were made known at the prior hearing;

8.4.5.3 Disapproval. If the Board finds that the application does not meet the standards of these regulations, or fails to comply with other Town or State laws, or will have an adverse impact on surrounding areas or the community, the Board shall disapprove the application.

8.4.6 The Planning Board shall issue a final written decision of their action to approve, conditionally approve, or disapprove the completed application. If the application is conditionally approved, the Board shall list the conditions necessary to be met by the applicant prior to final approval.

8.4.7 In accordance with RSA 676:3, if the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Planning Board's office and shall be made available for public inspection within seventy-two (72) hours after the decision is made and a copy of the decision shall be filed with the Town Clerk.

8.4.8 Conditional approval shall be good for a term of one calendar year from the date granted.

#### 8.5 Extension

The Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application (RSA 676:4, I(f)).

#### 8.6 Certificate of Failure To Take Action

In accordance with RSA 676:4, I(c)(1), upon failure of the Board to approve, conditionally approve, or disapprove the application, the Selectmen may order the Planning Board to act within 30 days. If the board still fails to act, the Selectmen must approve the plan within 40 days, unless it can state in writing some specific regulation with which the application does not comply. The failure of the Selectmen to act on such order shall, upon petition of the applicant, constitute grounds for the Superior Court to issue an order approving the application, if the Court determines that the proposal complies with existing site plan review regulations and zoning and other ordinances.

#### 8.7 Recording and Filing of Plats

No site plan plat shall be filed or recorded until it has been approved by the Planning Board, all outstanding fees have been paid by the applicant and the plat has been endorsed with the signatures of a majority of the Board.

The approved plat will be registered at the Rockingham County Registry of Deeds by the Brentwood Planning Board recording agent at the fee established by the Planning Board. Two copies of the recorded plat shall be obtained by the Planning Board at the expense of the Subdivider.

**SECTION 9 - SPECIFIC PLAN REQUIREMENTS**

- 9.1 Format The Plan must be presented to the Planning Board in the following format:
- 9.1.1 The plan must be drawn in original ink on mylar or other material acceptable for recording purposes at the Rockingham County Registry of Deeds.
  - 9.1.2 Sheet size which conforms to the requirements of the Registry of Deeds of Rockingham County for filing. These sheet sizes are: 8.5" x 11"; 11" x 17"; 17" x 22"; 22" x 34".
  - 9.1.3 Abutters must be indicated on any plan submitted, showing their location in relation to the proposed site plan.
  - 9.1.4 Scale should be not more than 1" = 100' (one inch = 100 feet).
  - 9.1.5 Proposed site plan name or identifying title.
  - 9.1.6 Correct current names of owner(s) of record (and applicant, if different).
  - 9.1.7 Date, north arrow, location (locus map).
  - 9.1.8 Name, license number, signature(s), and seal of the N.H. registered land surveyor, and engineer, if applicable.
  - 9.1.9 Endorsement blocks for Planning Board approval.

The following example endorsement blocks should be incorporated into any final plat to be endorsed by the Brentwood Planning Board.

Approved by the Brentwood Planning Board	Date
Chairman	

Approved by the Brentwood Planning Board	Date
Recording Agent	

9.1.10 All benchmarks shall be placed in reference to a permanent USGS point location.

9.1.11 Tax map reference including map and parcel number.

9.1.12 The final plan(s) shall include sufficient data acceptable to the Planning Board and the Town Engineer to determine readily the location, bearing and length of the existing and street and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed a ratio of 1 to 10,000. The final plan(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed site plan.

9.1.13 Match lines when needed.

9.2 Surveyed Plan Five (5) copies of the surveyed plan shall be submitted upon application and these plans shall include the following information:

9.2.1 Location of property lines and their approximate dimensions and bearings, boundary extensions, existing buildings, existing and proposed easements, alleys, parks, public open spaces, water courses, flood plains, ponds or standing water, wetlands, rock ledges, and other essential features. Abutting parcels names and similar facts regarding abutting property shall be included.

9.2.2 Location, name and widths of existing and proposed streets, roads and rights-of-ways (ROW's) with their grades and profiles and their center lines.

9.2.3 The plan shall incorporate a note stating that an emergency keybox will be provided for on-premises in a location that is agreed upon between the applicant and the police and fire chiefs of the Town of Brentwood. The purpose of the keybox is to insure access to all on-site facilities in the case of emergencies.

9.2.4 Locations of access to existing town roads, as stated in RSA 236-13, Section 5, and copies of permits for the access.

9.2.5 Existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply, and disposal of sewage and surface drainage. All utilities including telephone and electric shall be underground.

9.2.6 Where the topography is such as to make difficult the inclusion of any facilities mentioned in Paragraph 9.2.1 above, within the public area so laid out, the plan shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than ten (10) feet in width and shall have satisfactory access to existing or proposed public way(s).

9.3 Topographic Plan The topographic plan of the proposed site shall be submitted which includes the information described below.

9.3.1 The general topography of the proposed site shall be shown by means of elevations of sufficient points on the property to establish and show contour lines at vertical increments of not more than two (2) feet for the entire area proposed to be subdivided.

9.4 Erosion and Sediment Control Plan

An erosion and sediment control plan, if required, shall be submitted as specified in Section 9.8 - (Erosion Control) of these regulations and all State requirements.

9.5 Septic System Siting Requirements

9.5.1 In no case shall the Planning Board grant final approval of a proposed site plan until all State and Federal approvals, if necessary, have been received: e.g.; New Hampshire Department of Environmental Services (DES) - Water Division Subdivision Approval; DES Subsurface Disposal; DES Site Specific; DES Wetlands Board - Dredge and Fill Permit; DES Water Supply Approval; and U.S. Army Corps of Engineers 404 Permit.

Deleted: Supply and Pollution Control

In the case of site plans where an existing commercial structure is to be remodeled, replaced or altered in any way, if no state approved subsurface waste disposal system is evident, the applicant shall submit plans and specifications for a subsurface disposal system approval to The New Hampshire Department of Environmental Services in accordance with section Env-Ws 1003.10.

9.5.2 In areas served by individual on-site sewage disposal systems, it shall be incumbent upon the applicant or his agent to adequately demonstrate that the lots will meet all current state and local septic system disposal standards. No site plan of land will be approved which cannot meet these standards.

9.5.3 The applicant or his agent shall be required to submit all site information, including but not limited to percolation tests, test pits, soil, slope, and minimum distance data as may be required by the Brentwood Zoning Ordinance to determine the suitability of the lot(s) for on-site sewage disposal.



9.5.4 The location of and pertinent data on sufficient test pits and percolation tests to show that the regulations can be met on the lot(s). Information shall include at least the following: the location of at least two (2) test pits; one (1) percolation test data; the certification of the test pit inspector witnessing the perc tests; and an outline of the four thousand (4,000) square foot areas reserved for leach fields which corresponds to test locations. (Local septic system requirements must be met prior to obtaining approval from the N.H. Water Supply and Pollution Control Division.)

## 9.6 Legal Documents

Where applicable to a specific site, the following are required in a form approved by Town Counsel:

9.6.1 Agreement to convey to the Town land to be used for streets or other public purposes, with transfer of title.

9.6.2 Easements and rights-of-way over property to remain in private ownership, including drainage easements.

9.6.3 Performance security, as described in Section 9.7.1

## 9.7 Security

9.7.1 Security shall be in a form and amount, and with surety, and other conditions all satisfactory to the Board to insure for the Town the construction and installation of any required improvements within a period of time not to exceed three (3) years. The time limit of three (3) years for completion from the date of final approval shall be expressed in the security. The security shall remain valid and available until drawn upon by the Town or released in accordance with 9.7.5 below.

**Comment [WRA8]:** Should the Maintenance Bond as described in the Addendum A- Road Design be listed here for road maintenance in first three years especially for 9.7.2 below.

Further to the above, the security shall be one of the following:

9.7.1.1 certified check or bank check properly endorsed to the Town of Brentwood.

9.7.1.2 irrevocable letter of credit submitted on the standard form approved by the Town. (If other than the Town's approved form, the performance agreement shall be reviewed and approved by the Planning Board and Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the applicant.)

9.7.2 The applicant shall file with the Board a detailed estimate of all costs of required street improvements, drainage structures, utilities or other improvements. The Board may have the estimate reviewed by a professional consultant, if deemed necessary. The cost of this review shall be borne by the applicant. The Board,

Deleted:

after considering the estimate, and other pertinent information, shall determine the amount of the performance security required.

9.7.3 The Board may further extend the time of three (3) years for completion when the reasons for delay were unforeseeable and beyond the reasonable control of the applicant. Any such extension shall be in writing and signed by a majority of the Board signifying their concurrence and shall only be granted after ensuring the validity and availability of the security for such extension. Any such extension shall be solely at the discretion of the Planning Board.

9.7.4 The performance security shall not be released until the Board has certified after inspection that the required improvements have been completed in accordance with the approved plat. A fee, payable by the applicant, may be charged to cover the cost of professional consultation selected by the Board to assist in determining completion of all required work to the construction standards of the Town.

9.7.5 All security shall be held by the Treasurer of the Town. The Treasurer shall not draw upon or release any security until he/she is in receipt of a resolution passed by a majority of the Planning Board stating the purpose and amount to be drawn or released. The Selectmen shall enforce such securities by all appropriate legal and equitable remedies.

## 9.8 Erosion Control

### 9.8.1 GENERAL

The purpose of this regulation is to control soil erosion and sedimentation resulting from site construction and development. Subdivision and site plans shall include plans for controlling erosion and sedimentation consistent with the Town of Brentwood's Stormwater Ordinance and as provided below.

### 9.8.2 WHERE REQUIRED

The applicant shall submit an erosion and sediment control plan to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:

9.8.2.1 A cumulative disturbed area exceeding 20,000 square feet.

9.8.2.2 Construction of a street or road.

9.8.2.3 A subdivision of three or more building lots or dwelling units.

9.8.2.4 Disturbed critical areas.

Standard agricultural and silvicultural practices are exempt from this regulation. The Planning Board may waive the requirement for all or part of an erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, or natural conditions of a site. All requests for waivers and action thereon shall be made in writing.

#### 9.8.3. DESIGN STANDARDS - EROSION AND SEDIMENT CONTROL

The following standards shall be applied in planning for erosion and sediment control:

9.8.3.1. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the NHDES Stormwater Manual, Volume 3, "Erosion and Sediment Controls During Construction," dated Dec. 2008 or as amended,

**Deleted:** esign Handbook for Developing Areas of New Hampshire

9.8.3.2 Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.

**Deleted:** and adopted by the Rockingham County Conservation District

9.8.3.3 Appropriate control measures shall be installed prior to removal of vegetation.

9.8.3.4 The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 7 days in highly sensitive areas (i.e. within 100 feet of a water body) or thirty (30) days shall be stabilized with straw mulch, tackifier, netting or similar measures as appropriate.

9.8.3.5 Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures as outlined in DES' Stormwater Manual, referenced above. Very poorly drained soils and water bodies shall be protected from sediment.

9.8.3.6 Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.

9.8.3.7 Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area.

9.8.3.8 All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days.

#### 9.8.4 PLAN REQUIREMENTS - EROSION AND SEDIMENT CONTROL

##### 9.8.4.1 Preliminary Plan Requirements

A preliminary plan is optional. If submitted it shall include the following:

- A. Site drawing of existing and proposed conditions:
  - (a) Locus map showing property boundaries
  - (b) North arrow, scale, date
  - (c) Property lines
  - (d) Easements
  - (e) Structures, utilities, roads and other paved areas
  - (f) Topographic contours
  - (g) Critical areas
  - (h) Waterways, bodies of water, drainage patterns, and watershed boundaries
  - (i) Vegetation
  - (j) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
  - (k) Erosion and sediment control measures
  - (l) Areas of soil disturbance
- B. Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

##### 9.8.4.2 Final Plan Requirements

The Planning Board shall require each of the following in the final plan unless specifically waived:

- A. Site drawing of existing and proposed conditions:
  - (a) Locus map showing property boundaries
  - (b) North arrow, scale, date
  - (c) Property lines
  - (d) Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal
  - (e) Topographic contours at two-foot intervals
  - (f) Extent of 100-year flood plain boundaries if published or determined
  - (g) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
  - (h) Easements

- (i) Areas of soil disturbance
- (j) Areas of cut and fill
- (k) Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled
- (l) Location of all structural and vegetative erosion and sedimentation control measures
- (m) Identification of all permanent control measures

B. Narrative section that describes and/or illustrates the following;

Deleted: including

- (a) Construction schedule
- (b) Earth movement schedule
- (c) Description of temporary and permanent vegetative measures including seeding specifications
- (d) Description of all structural erosion and sedimentation control measures, with detailed drawings of each
- (e) Design calculations for all temporary and permanent structural control measures
- (f) A proposed schedule for the inspection and maintenance of all measures including the contact information of the responsible party or individuals;
- (g) Identification of all permanent control measures and responsibility for continued maintenance for post-construction stormwater treatment devices and related facilities
- (h) Calculations showing volume, peak discharge, and velocity of present and future runoff at each discharge point from the site

#### 9.8.5 RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION

The applicant shall bear final responsibility for the installation, construction, and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Planning Board may require a bond or other [security as described in an amount and with surety conditions satisfactory to the Board, section 9.7.1, above]. Site development shall not begin before the erosion and sediment control plan is approved. Erosion and sediment control measures shall be installed as scheduled in the approved plan.

#### 9.8.6 MAINTENANCE

The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. [This information s including a schedule of proposed activities consistent with the requirements of Section N of the Town of Brentwood's Stormwater Management Ordinance hall also be incorporated on

the plan. For improvements which require easements on property owned by another the easement must be recorded at the Rockingham County Registry of Deeds.] If the owner fails to adequately maintain such measures, the town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.

#### 9.8.7 PLAN APPROVAL AND REVIEW

The Planning Board shall indicate its approval of the erosion and sediment control plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

Technical review of any erosion and sediment control plan prepared under this regulation shall be reviewed by the Brentwood consulting engineering firm at the expense of the applicant.

#### 9.8.8 INSPECTION

Inspection shall be made by an agent of the Planning Board on a regular basis with observations recorded on an inspection checklist during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained. This shall be done at the expense of the developer.

#### 9.8.9 OTHER REQUIRED PERMITS

9.8.9.1 In addition to local approval, the following may be required:

- A. RSA 485-A:17 requires an Alteration of Terrain (AoT) permit from the New Hampshire Department of Environmental Services Water Division for "... any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff...". Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or 50,000 square feet if any portion such activity occurs within 250 feet a public water body, fourth order stream, designated river segment or other the protected surface water subject to 483-B jurisdiction.

Deleted: Supply and Pollution Control

Deleted: on the border of

Deleted: s of the state

#### 9.9 Traffic Impact Analysis

- 9.9.1 All commercial, industrial or residential development proposed to be located on or having an effect on a town-maintained (Class V) road or street and any state highway shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide the Planning Board with a traffic impact analysis when deemed necessary by

the Board due to the size, location or traffic generating characteristics of the development.

Traffic impact analyses shall address each of the following:

9.9.1.1 Traffic circulation and access, including adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization and may require accident statistics.

9.9.1.2 Pedestrian safety and access.

9.9.1.3 Off-street parking and loading.

9.9.1.4 Emergency vehicle access.

9.9.1.5 Off-site improvements necessitated and to be constructed by the developer.

9.9.2 The Planning Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts.

#### 9.10 Streets and Roads

All public and private streets, roads, driveways, sidewalks, pedestrian ways and bikeways shall be submitted as specified in **Addendum A - "Road Design and Construction Specifications" of these Regulations.**

#### 9.11 Parking

9.11.1. Parking Space -- defined as an off-street area for vehicular parking of approximately 9' x 20' long.

9.11.2. Professional, general office, retail or service uses -- at least one (1) parking space per 300 sq. ft. of gross floor area. Upon review of the site plan, the Planning Board may require more spaces, up to a maximum of one (1) parking space per 50 sq. ft. of gross floor area.

9.11.3. Clubs, Restaurants, Churches, or Places of Assembly -- one parking space per three (3) person capacity.

9.11.4. Wholesale and Distribution, Warehousing and Storage, and other Enclosed Storage Uses, Manufacturing, Light Industrial and Industrial Uses -- one (1) parking space per 750 sq. ft. of gross floor area or one (1) parking space per employee on the maximum shift, whichever is greater.

Where a use is not specified re: above, the regulation's intent is that adequate parking spaces shall be provided for the vehicles of all persons likely to be gathered at the premises at one time.

All parking spaces must be on site or assured of perpetual existence by easement.

In site plans of more than one use, the aggregate number of parking spaces shall be apportioned based upon the various uses, with respective areas designated upon the plan. Each unit in a multi-unit facility shall provide a minimum of three parking spaces. More spaces may be required by the Planning Board, dependent upon the use(s) proposed by the applicant. (7-04)

For handicapped parking requirements, "The Architectural Barrier Free Design Code for the State of New Hampshire -Section 304" are incorporated by reference hereon.

#### 9.11.5 Parking Lot Landscaped Area Requirements

Any lot which contains parking facilities for more than thirty cars shall also provide landscaped areas within the parking lots equal to at least 10 percent of the gross parking area. Gross parking area shall include the area of parking stalls, aiseways and associated landscaping. This landscaped area shall require landscaped end islands and landscaped center islands within the parking area. Intermediate landscaped islands measuring nine feet wide by twenty feet in length shall be provided in parking rows for every 16 spaces. One deciduous tree meeting the requirements found in the buffering provisions shall be planted within the landscaped area for each ten parking spaces. A deciduous tree shall be planted upon each island as required by the Planning Board.

#### 9.12 Signs

For specific sign requirements, please refer to the Town of Brentwood Zoning Ordinance - General Regulations.

#### 9.13 Noise

In accordance with Section 5.4 (1) (page 29), of the Brentwood Zoning Ordinance the following standards shall apply for the purpose of regulating noise levels within the Town:

##### General Noise Provisions

- a. It shall be unlawful for the owner, occupant and/or any person causing or permitting sound or noise to project within the boundary of a use district which exceeds the limiting noise level set forth in Table 1 below.



- b. Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the noise limits at any point of the district into which the noise is projected.

- c. The issuance of a building permit shall carry an automatic increase in the noise limit to seventy-five (75) DBA for all activities directly involved with the permitted construction for the hours between 7:00 am and 8:00 pm. The noise limits for the hours between 8:00 pm and 7:00 am shall remain as specified in Table 1 below, unless otherwise specified in the site plan.

#### Measurement of Noise

- a. The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by the American National Standards Institute.
- b. The appropriate methodology shall be used in conjunction with a meter in order to best determine that the maximum permissible sound pressure levels for use districts has not exceeded the limiting noise level set forth in Table 1.
- c. Measurement of sound levels shall be made at the property line of the property on which such noise is generated or perceived, as appropriate, and shall be taken at least four (4) feet from ground level.
- d. Compliance with the noise limits is to be maintained at the boundary of the property.
- e. Daytime hours shall be between 7:00 am and 8:00 pm. Nighttime hours shall be between 8:00 pm and 7:00 am.

**TABLE 1****MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS FOR USE DISTRICTS**

(Sound Pressure Level Limits Measured in DB(A)'s)

	DAYTIME	NIGHT TIME
Commercial/Industrial zone		
Industrial uses	70	65
Commercial uses (includes Professional office Structures)	65	55
Residential uses (includes multi-family structures)	60	50

9.14 Buffer Zones/Landscaping (2-20-03)

- A. Each Site Plan proposed shall include appropriate buffer areas. These buffer zones shall not be less than twenty-five (25) feet when separating two commercial lots and shall not be less than fifty (50) feet when separating a commercial lot from a residential lot. No parking shall be located within any part of the buffer zone.
- B. Each site plan submitted for approval by the Planning Board shall incorporate appropriate landscaping to serve as both visual and sound buffering from abutting parcels. The extent of landscaping materials necessary to achieve this required buffering is to be established on a site by site review using the following standards. Landscaping shall be maintained as approved.

## 1. Landscape Buffer Requirements

Landscaped buffers shall be provided where required by this section and shall conform to the standards in the bufferyards illustrated on the attached page. Fifty percent (50%) of all trees in such buffer areas shall be of the evergreen species. Trees and shrubs shall conform to the following standards:

- a) Deciduous trees shall be planted at least three inches (3") in caliper measured six inches (6") above the root ball, with a mature height of at least 12 feet.
- b) Fruit and ornamental trees shall be planted at two inches (2") in caliper measured six inches (6") above the root ball, with a mature height of at least 12 feet.
- c) Evergreen trees shall be coniferous species planted at six feet (6') in height.

- d) Shrubs shall be either deciduous species planted at 2.5 feet in height with a mature height of at least six feet or evergreen species planted at 2.5 feet in spread.
- e) Existing natural growth will be considered as part of the screen.

2. Front Yard Buffers:

Landscaped treatments of the front yard are required for all proposals and shall include either seeded lawn, evergreen cover, trees, shrubs, or a combination thereof. On a case by case basis, the Planning Board is authorized to allow display of goods within the area between 50 feet and 125 feet from edge of pavement for those uses that require such display of goods.

3. Side and Rear Yard Buffers:

Landscaped treatments are required for side and rear yards for all proposals. These buffers should follow the parameters of the A bufferyard on the attached diagram if the bufferyard is between similar uses. If the bufferyard separates commercial uses from residential uses the B bufferyard standards shall be utilized.

C. Bonding of Landscape Improvements

The Planning Board may require a bond in an amount to cover the cost of 100% of all landscape improvements. These improvements shall include the cost of all plant materials, seed, mulch, topsoil, construction of berms and labor necessary to implement the landscape plan. This bond will remain in effect for one year. A portion of this bond shall be kept in excess of one year to insure the required landscaping survives. (2-20-03)

9.15 Illumination

This regulation is intended to reduce the problems created by improperly designed and installed outdoor lighting for non-residential development. It is intended to eliminate problems of glare, minimize light trespass, minimize obtrusive light, protect the quality of the New Hampshire night sky, Brentwood's rural character, and conserve energy and resources while maintaining safety, security and productivity by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of Brentwood.

9.15.1 Definitions: For the purposes of this Regulation, terms used shall be defined as follows:

- a. Cut-off Angle (*of a luminaire*) – The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.
- b. Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

- c. Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
- d. Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- e. Foot-candle: A unit of illuminance amounting to one lumen per square foot. A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away.
- f. Fully Shielded: A fully shielded luminaire is a luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below an angle of 20 degrees below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacture.
- g. Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.
- h. Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
- i. Illuminance: The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in foot-candles.
- j. Lamp: The component of a luminaire that produces the actual light.
- k. Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- l. Lumen: A measure of light energy generated by a light source. One foot-candle is one lumen per square foot. For the purposes of this Regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.
- m. Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.
- n. Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- o. Partially Shielded: Shall mean outdoor light fixtures shielded or constructed so that no more than ten percent of the light rays are

emitted by the installed fixture at angles greater than 20 degrees below the horizontal plane, and shall not extend above the horizontal plane, as certified by a photometry test report.

- q. Temporary Outdoor Lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.
- r. Up-lighting: Any light source that distributes illumination above a 90-degree horizontal plane.

9.15.2 General Lighting Requirements:

- a. Illumination levels at property boundaries will not exceed .03 foot-candles, except when a property abuts a residential lot where illumination levels shall not exceed 0.2 foot-candles at the shared boundary.
- b. All lighting in the Town Of Brentwood is required to have full-cutoff shielding.
- c. Up-lighting by any method is prohibited; however, the Planning Board may allow limited use of upward landscape lighting on a case by case basis.
- d. Non-cutoff wall-pack type fixtures are prohibited.
- e. On a site by site basis during the site plan review process the Planning Board will determine the extent of lighting to be allowed after business hours. Security lighting is permitted and encouraged but the Planning Board shall not allow sites to be overly lighted beyond agreed hours of operation.

9.15.3 Control of Glare – Luminaire Design Factors:

- a. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- b. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens,

shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

- c. The luminaire's maximum illuminance shall not exceed the MINIMUM illuminance recommended for that purpose as defined in the most RECENT "Illuminating Engineering Society Lighting Handbook/References & Applications". (2-20-03)

#### 9.15.4 Submission of Plans:

- a. The submission shall contain but shall not necessarily be limited to the following:
  - 1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps supports, reflectors, and other devices;
  - 2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
  - 3. Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.
  - 4. A visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan.

Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to readily determine whether compliance with the requirements of this regulation are met. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

#### 9.15.5 Exceptions:

- a. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot or flood luminaire rated 900 lumen or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

- b. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at a height up to the edge of any bordering property. Proposed streetlights or replacement of existing streetlights shall be fully shielded.
- c. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
- d. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaries used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
- e. Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

9.15.6 Prohibitions:

- a. Mercury Vapor Lamps Fixtures and Lamps. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- b. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- c. Searchlights. The operation of searchlights for advertising purposes is prohibited.

9.16 Protection of Natural and Historic Features

9.16.1 Each significant natural feature within the site including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the plan. Planning Board approval shall be obtained before removal of such features.

9.16.2 Each existing building or man-made structure, including stone fences, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board approval.

9.17 Building Depictions

Each site plan shall include plan views that depict the shape, size, height, bulk, and surface treatment of proposed structures.

9.18 The final plan set shall include a cover page that shows the subject parcel along with all abutting parcels within two hundred feet. Each parcel shall be labeled with their tax map references. (1/17/08)



- 9.19 The final mylar will include a note stating that the property owner will notify the Planning Board, in writing, of any change in tenants. The letter will indicate the type of business moving to the site. (1/17/08)

## **SECTION 10 - ADMINISTRATION AND ENFORCEMENT**

### **10.1 General**

10.1.1 These Regulations shall be administered by the Planning Board with the assistance of the Building Inspector, Town Engineer and such other persons as the Board shall designate. It shall be the duty of the Board of Selectmen to enforce the Site Plan Review Regulations. The Selectmen in enforcing these Regulations shall act upon complaint or information from the Planning Board, Building Inspector, Town Engineer, or otherwise, and shall, whenever practicable, take such action as the Planning Board or such other officer requests.

10.1.2 An agent so designated by the Planning Board may be charged with the responsibility of inspecting the sites for compliance with the Site Plan Review Regulations.

### **10.2 Appeals**

10.2.1 Any person aggrieved by any decision of the Planning Board concerning a site plan review may appeal said decision to the Superior Court, as provided by R.S.A 677:15.

### **10.3 Waiver Procedure**

10.3.1 When a proposed site plan plat is submitted for approval, the applicant may request in writing to waive specific requirements of these Regulations as they pertain to the site plan. The applicant shall present reasons in writing why the waiver is needed.

10.3.2 The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations; and further provided that the Planning Board shall not approve waivers unless it shall make written findings based upon the evidence presented to it in each specific case. Such waivers will be entertained and acted upon by the Planning Board only at a properly noticed public hearing.

### **10.4 Amendments**

The Planning Board may from time to time amend these regulations in accordance with RSA's 675:6 and 675:5. Amendments to the Site Plan Review Regulations shall include the following steps:

10.4.1 The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.

10.4.2 Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in Town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.

10.4.3 The Planning Board may adopt the amendments upon completion of the public hearing by an affirmative vote of a majority of its members.

10.4.4 Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Planning Board members and filed with the Town Clerk.

#### 10.5 Fines and Penalties

10.5.1 Any violation of these regulations shall be punishable pursuant to RSA 676:17, 17-a, and 17-b, as the Board of Selectmen shall elect.

The Planning Board shall also have the authority to seek injunctive relief pursuant to RSA 676:15.

#### 10.6 Effective Date

These revised regulations are effective as of \_\_\_\_\_, on which day they have been filed with the Brentwood Town Clerk. In accordance with RSA 675:9 a copy of these regulations and subsequent amendments will be forwarded to the New Hampshire Office of State Planning.

# Town of Brentwood (Fourth Draft) (Exemption X.5b only)

---

## ARTICLE X - STORMWATER MANAGEMENT

### SECTION X.1 PURPOSE

Pursuant to RSA 674:16 -21, the Town of Brentwood hereby adopts this Stormwater Management Ordinance and accompanying regulations to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse affects of increased post-development stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment activities.

It is intended that this Article shall:

- A. Prevent and reduce the potential for increased flooding and property damage due to increased peak runoff rates generated from new impervious surfaces and other land disturbances.
- B. Prevent channel scour, stream bank erosion and habitat modifications within the local streams and rivers due to increased peak runoff rates from new impervious surfaces and other land disturbances.
- C. Increase groundwater recharge to maintain existing groundwater levels and minimize changes in base flow conditions in area streams.
- D. Protect, maintain and enhance the water quality in area streams rivers and ponds as well as groundwater resources.
- E. Encourage the capture and reuse of stormwater runoff for other non-potable uses of water such as irrigation and fire protection.
- F. Encourage and promote the use of Low Impact Development (LID) measures and practices to reduce impervious cover, minimize disturbances, protect nearby natural resources and the aesthetic value of the natural features within the Town of Brentwood.
- G. Protect existing and potential surface and groundwater water resources by promoting groundwater recharge and water quality treatment of stormwater runoff.
- H. Preventing unnecessary expense to the Town as it relates to the future maintenance of stormwater structures created by new development and by requiring such maintenance to be performed by the property owners of the new development.

### SECTION X.2 AUTHORITY

The Provisions of this Article are adopted pursuant to RSA 674:16, Grant of Power, RSA 674:17, Purposes of Zoning Ordinance, and RSA 674:21, Innovative Land Use Controls

### SECTION X.3 APPLICABILITY

The requirements of this Article shall apply to any development, redevelopment or other land disturbance activity within all zoning districts that will result in either more than 40,000 square feet of disturbance area or creating more than 5,000 square feet of impervious area (excluding singe family/duplex residential roof area), unless such activities are exempted as specified in Section 5.0 of this Ordinance.

For residential subdivisions, or any other phased development, the anticipated total area of disturbance and impervious area associated with the future construction activity on each of the lots created by the subdivision must be included in meeting the applicability thresholds and performance standards of this Ordinance.

## SECTION X.4 DEFINITIONS

**Alteration of Terrain Regulations:** Pursuant to RSA 485 A:17, an Alteration of Terrain Permit is required by NHDES whenever a project proposes to disturb more than 100,000 square feet of terrain or 50,000 square feet if any of the disturbance is within the protected shoreline as defined by RSA 483-B) or if the project disturbs any area having a 25% or steeper land slope and is within 50 feet of any surface water, then a permit is also required. The program applies to both earth moving operations, such as gravel pits, as well as industrial, commercial and residential developments.

**Best Management Practice (BMP):** Structural, non-structural and managerial techniques that are recognized to be an effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment and include but are not limited to those contained in the NHDES Stormwater Manual Vols. 2 and 3 (Dec. 2008).

**Better Site Design:** Site design approaches and techniques that can reduce the footprint of the proposed development or the development's potential impact on the downstream watershed or other natural features which may include conserving and protecting natural areas and green space, reducing impervious cover and using natural features to stormwater management.

**Curve Number (CN):** A numerical representation used to describe the stormwater runoff potential for a given drainage area based on land use, soil group, and soil moisture, derived as specified by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA/NRCS).

**Developer:** A person who undertakes or proposes to undertake land disturbance activities.

**Development:** For the purposes of this article, development refers to alterations to the landscape that create, expand or change the location of impervious surfaces or alters the natural drainage of a site.

**Disconnected Impervious Cover:** Impervious cover that does not contribute stormwater directly from a site, but directs stormwater runoff to an on-site LID practice to infiltrate into the soil or as overland flow to on-site pervious area such that the net rate and volume of stormwater runoff from the disconnected impervious cover is no greater than the estimated rate and volume from undisturbed cover of equal area.

**Drainage Area:** Means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

**Connected Impervious Cover:** Impervious cover that is connected to a storm drain system and/or will discharge stormwater runoff offsite and does not qualify as disconnected impervious cover..

**Erosion:** The detachment and movement of soil, rock, or rock fragments by water, wind, ice or gravity.

**Impervious Cover:** A structure or land surface with a low capacity for infiltration, including but not limited to pavement, roofs, roadways, and compacted soils, that has a Curve Number of 98 or greater.

**Infiltration:** The process by which water enters the soil profile (seeps into the soil).

**Land Disturbance or Land Disturbing Activity:** For the purposes of this Article, refers to any exposed soil resulting from activities such as clearing and grubbing, grading, blasting, excavation and the placement of fill material..

**Low Impact Development (LID) Practice -** A development plan or practice that minimizes the alteration of land, minimizes changes to the natural hydrology and preserves vegetation and other natural features to the maximum extent of practicable relative to conventional site design.

**Owner:** A person with a legal or equitable interest in a property.

**Pervious Cover:** A land surface with a high capacity for infiltration.

**Recharge:** The amount of water from precipitation that infiltrates into the ground and is not evaporated or transpired.

**Redevelopment:** Any change to a previously developed property including but not limited to the demolition of buildings or structures, filling, grading, excavating or paving new areas but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff and/or cause additional nonpoint source pollution.

**Regulated Substance:** A “regulated substance” as defined in Env-Ws 421.03(f) or successor rule, Env-Wq 401.03(h).

**Sediment:** Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

**Sensitive Area:** For the purpose this Article include lakes, ponds, perennial and intermittent streams, vernal pools, wetlands, and highly erodible soils.

**Sheet flow:** Runoff that flows or is directed to flow across a relatively broad area at a depth of less than 0.1 feet for a maximum distance of 100 feet in such a way that velocity is minimized.

**Site:** The lot or lots on upon which development is to occur or has occurred.

**Stormwater:** Water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other drainage facility.

**Stormwater Runoff:** Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

**Total Impervious Cover:** The sum of Disconnected Impervious Cover plus Effective Impervious Cover.

**Undisturbed Cover:** A natural land surface whose permeability has not been altered by human activity.

**Vegetation:** Is defined to include a tree, plant, shrub, vine or other form of plant growth.

**Wellhead Protection Area:** As defined in RSA 485-C:2, XVIII, the surface and subsurface area surrounding a water well or well field that contributes to a public water system, through which contaminants are reasonably likely to move toward and reach such well or well field.

## **SECTION X.5 EXEMPTIONS**

The following activities will be considered exempt from meeting the requirements of this ordinance:

- a. Work performed that is exclusively for the sole purpose of agricultural or forestry uses:
- b. Existing residential lots:
- c. The installation and repair of utilities (gas, water, electric, telephone, etc) other than drainage, which will not alter terrain, permanent ground cover or drainage patterns.
- d. Any work and projects for which all necessary approvals and permits have been issued before the effective date of this Ordinance.

## **SECTION X.6 AUTHORIZATION TO ISSUE A SPECIAL USE PERMIT**

- A. Authority is hereby granted to the planning board, as allowed under RSA 674:21 II, to issue a special use permit to allow variations from the requirements and restrictions set forth in this section upon the request of the applicant provided the development design and proposed stormwater management approach satisfy the following conditions:
1. Such modifications are consistent with the general purpose and standards of this section and shall not be detrimental to public health, safety or welfare;
  2. The modified design plan and stormwater management approach shall meet the performance standards under sections X.8.A -X.8.H of this ordinance; and
  3. The modified design plan and stormwater management approach shall satisfy all state and/or federal permit requirements, as applicable.

## **SECTION X.7 STORMWATER MANAGEMENT PLAN**

All land disturbing activities subject to approval under this Article shall submit a permanent (post-construction) Stormwater Management Plan (SMP) with an application for subdivision or site plan review. The permanent SMP, which shall be prepared by a licensed New Hampshire, professional engineer, shall address and comply with the requirements set forth herein and as specified by the planning board.

### **A. Plan Contents**

The Stormwater Management Plan shall fully describe existing conditions and the proposed project conditions in drawings, narrative and calculations including but not limited to the following:

1. Contact Information: Name, address and telephone number of all persons having legal interest in the property and the tax parcel number of the property or properties affected,
2. Locus Map and property map showing tax map parcels, existing zoning boundaries of the site , easements and any applicable buffer setbacks for wetlands, shoreland protection and water supply;
3. Site Map showing existing topography with 2-foot contours, soil types (based on HISS mapping), sub-drainage areas, discharge locations, any existing disturbed areas, impervious surfaces and utilities;
4. Description and map showing existing perennial and intermittent streams, wetland areas and other downstream water resources, floodplain limits and any existing nearby private and public wells ;
5. Narrative description of soil types; hydrologic soil group rating, vegetative cover, assigned curve number for drainage analysis and estimated infiltration/recharge potential based on field measurements or reported information in the NHDES Stormwater Manual;
6. Site Map showing proposed site layout, topography, vegetation clearing, surface cover, drainage conveyances, discharge locations, stormwater management BMPs, and related groundwater recharge measures;
7. Setback limits shall be drawn on all lots consistent with the various local and state regulations concerning protection of water supply wells, wetlands, surface water bodies as well as those for building lot design (i.e., front, side, rear and perimeter buffers from external lot lines as specified in Brentwood's Site Plan and Subdivision Regulations.
8. Description of the modeling procedures, assumptions and results for peak runoff rate and volume

calculations for existing and proposed conditions as well as impervious area calculations by subwatershed area for existing and proposed conditions,

9. Description of innovative site design, layout and Low Impact Development measures used to minimize the potential impacts and footprint of the proposed development,
10. For any phased projects and projects seeking subdivision approval must account for the estimated future disturbance area and impervious area that will occur on the subdivided lots, to the extent practicable, in meeting the requirements of this stormwater management plan as well as other provisions of this ordinance.
11. Information pertaining to the estimated seasonal high groundwater elevation in areas used to be used for stormwater detention or infiltration;
12. Calculations of Groundwater Recharge Volumes used to comply with the requirements of Subsection H of this Article.
13. Description of the Stormwater BMP sizing and design specifications based on the design guidance and sizing methodology contained in the NHDES Stormwater Manual and rationale for selection;
14. Description of the long-term stormwater maintenance program in accordance with the requirements described in Section N of this Article.
15. An Erosion and Sediment Control section that describes the construction sequencing, timing, measures that will be used to minimize disturbances, temporary and permanent erosion control measures, inspection schedules and frequency, contingency measures to respond to extreme weather conditions, and contact information for responsible parties. (in accordance with Sec. 9.8.4.2.B in Site Plan Regs)

## **SECTION X.8 - MINIMUM PERFORMANCE STANDARDS**

Any development activity, subject to the provisions of this Ordinance, must comply with the following Performance Standards to minimize the potential adverse impacts and properly manage stormwater from newly disturbed areas and impervious cover:

**A. Maximum Connected Impervious Cover:** No more than 10 % of a residentially-zoned lot and 30 % of a commercially-zoned lot shall consist of “connected” impervious cover. Any impervious cover that qualifies as disconnected impervious cover shall not be included in the maximum connected impervious cover threshold. Disconnected impervious cover directs stormwater runoff to an on-site LID “disconnection” practice (i.e. green roof, rain barrel or cistern) or LID “Treatment Practice (i.e., rain gardens, naturally vegetated areas and other pervious areas to allow infiltration) so as to result in a no net increase in the estimated peak runoff rate and volumes that would be otherwise be produced by undisturbed cover of equal area. See Impervious Disconnection Criteria as described in Section 6.2 of the NHDES Stormwater Management Manual, Volume 1 (Dec. 2008 or as amended).

**B. Innovative BMP Techniques and Low Impact Development (LID) Practices:** LID site planning and design practices shall be used to the maximum extent practicable to meet the

conditions below for control of peak flow, total volume of runoff, water quality protection and maintenance of on-site groundwater recharge (See Section 4.0 of the NHDES Stormwater Management Manual, Volume 2 (Dec. 2008 or as amended)).

1. Stormwater management practices shall be selected to accommodate the unique hydrologic and geologic conditions of the site.
2. The use of nontraditional and/or nonstructural stormwater management measures, including better site design approaches to reduce runoff rates, volumes, and pollutant loads, are preferred and shall be implemented to the maximum extent practical. Such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and use of practices that intercept, treat, and infiltrate runoff from developed areas distributed throughout the site (e.g. bioretention, infiltration dividers or islands, or planters and rain gardens). Applicants shall demonstrate why the use of nontraditional and/or nonstructural approaches are not possible before proposing to use traditional, structural stormwater management measures (e.g., detention ponds, vegetated swales).
3. The applicant shall demonstrate how the proposed control(s) will comply with the requirements of this ordinance, including the control of peak flow and total volume of runoff, protection of water quality, and recharge of stormwater to groundwater. The applicant must provide design calculations and other back-up materials necessary.

#### **C. Protection of Natural Hydrologic Features and Functions.**

1. Site disturbance shall be minimized to maintain and protect as much of the existing mature and native vegetation as possible. The existing vegetation and proposed project disturbance area shall be depicted on site plans submitted as part of the site plan and subdivision review process. The project disturbance area shall include only the area necessary to reasonably accommodate construction activities. The applicant may be required to install construction fencing around the perimeter of the proposed project disturbance area prior to commencing land disturbance activities.
2. Soil compaction on site shall be minimized by using the smallest (lightest) equipment possible and minimizing travel over areas that will be revegetated (e.g., lawn areas) or used to infiltrate stormwater (e.g., bioretention areas). In no case shall excavation equipment be placed in the base of an infiltration area during construction.
3. Development shall follow the natural contours of the landscape to the maximum extent possible. A grading plan shall be submitted as part of the site plan review process showing both existing and finished grade for the proposed development.
4. Cut and fill shall be minimized. The maximum height of any fill or depth of any cut area, as measured from the natural grade, shall not be greater than 10 feet.
5. No ground disturbed as a result of site construction and development shall be left as exposed bare soil at project completion. All areas exposed by construction, with the exception of finished building, structure, and pavement footprints, shall be de-compacted (aerated) and covered with **a minimum thickness of six inches** of non-compacted topsoil, and shall be subsequently planted with a combination of living vegetation such as grass, groundcovers, trees, and shrubs, and other



landscaping materials (mulch, loose rock, gravel, stone).

6. Priority shall be given to maintaining existing surface waters and systems, including, but not limited to, perennial and intermittent streams, wetlands, vernal pools, and natural swales.
  - a. Existing site hydrology shall not be modified so as to disrupt on-site and adjacent surface water drainage patterns. The applicant must provide evidence that this standard can be achieved and maintained over time.
  - b. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams, wetlands, vernal pools, and natural swales, shall be protected by a 50 foot no disturbance, vegetated buffer.
  - c. Where roadway or driveway crossings of surface waters cannot be eliminated, disturbance to the surface water shall be minimized, hydrologic flows shall be maintained, there shall be no direct discharge of runoff from the roadway to the surface water, and the area shall be re-vegetated post-construction.
  - d. Stream and wetland crossings shall be avoided whenever possible. When necessary, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and animal passage. For guidance on stream crossing design standards refer to the New Hampshire Stream Crossing Guidelines. May 2009, as amended, ([http://www.unh.edu/erg/stream\\_restoration](http://www.unh.edu/erg/stream_restoration)).

#### **D. Natural Stream Channel Protection**

In order to protect natural downstream channels from increased bank scour and undercutting due increased peak flow rates during the more frequent storm events, the applicant shall meet one of the following criteria;

1. If the 2 year, 24-hour post-development runoff *volume* is not expected to increase over the pre-development runoff *volume* (either because there is no increase in impervious area or the post-development volume will be reduced via groundwater recharge measures), then the post-development peak flow rate should be no greater than the pre-development peak flow rate for the 2 year, 24 hour storm event.
2. If the 2-year, 24-hour post-development runoff *volume* is expected to increase over the pre-development runoff *volume*, then the 2-year, 24-hour post development peak flow rate must be controlled to be no greater than 50 percent of the 2-year, 24-hour pre-development peak flow rate or no greater than the estimated 1-year, 24-hour pre-development peak flow rate.

#### **E. Peak Flow Control for Downstream Flood Protection.**

1. The applicant shall provide estimates of pre- and post-development peak flow rates. Any site that was wooded in the last five years must be considered undisturbed woods for the purposes of calculating pre-development peak flow rates.
2. The 10-year, 24-hour post-development peak flow rate shall not exceed the 10-year, 24-hour pre-development peak flow rate for all flows off-site.
3. The 50-year, 24-hour post-development peak flow rate shall not exceed the 50-year, 24-hour pre-

development peak flow rate for all flows off-site.

4. Measurement of peak discharge rates shall be calculated using point of discharge on the down-gradient property boundary. The topography of the site may require evaluation at more than one location if flow leaves the property in more than one direction. Calculations shall include runoff from adjacent up-gradient properties.
5. An applicant may demonstrate that a feature beyond the property boundary is more appropriate as a design point.
6. The applicant shall provide pre- and post-development total runoff volumes. Any site that was wooded in the last five years shall be considered undisturbed woods for the purposes of calculating pre-development total runoff volumes.
7. The post-development total runoff volume shall be equal to 90 to 110 percent of the pre-development total runoff volume (based on a two-year, 10-year, 25-year, and 50-year, 24-hour storms). Calculations shall include runoff from adjacent up-gradient properties.
8. At the discretion of the planning board, stormwater management systems shall incorporate designs that allow for shutdown and containment of flow in the drainage system in the event of an emergency spill or other unexpected contamination event.
9. BMPs shall be designed to safely pass a minimum design storm event, as described in the table below, without overtopping or causing damage to the stormwater management facility.

Treatment Practice	Design Storm Event
Stormwater Pond*	100-year, 24-hour storm*
Stormwater Wetland	50-year, 24-hour storm
Infiltration Practices	10-year, 24-hour storm
Filtering Practices	10-year, 24-hour storm
Flow through Treatment Swales	10-year, 24-hour storm

**NOTE: \* Brentwood's current site plan and subdivision regs require that all ponds be designed to safely pass the 100-year storm.**

#### **F. Buffer Setbacks for Structural BMPs Used for Stormwater Detention and Water Quality Treatment**

1. Stormwater detention basins and other structural treatment measures shall not be located within the buffer setback requirements established in Sec 700.002.006.001, 700.002.006.002 or 700.004.003.003-005 of the Brentwood Wetland and Shoreline Protection Zoning Ordinances unless such activity is specifically exempted by such ordinances or is approved under the Special Use Permit provisions included in this Article.
2. Stormwater management systems shall not discharge within the setback area for a water supply well as specified in the following table:

Well Type	Well Production Volume (gallons per day)	Setback from Well (feet)
Private Water Supply Well	Any Volume	75

Non-Community Public Water Supply Well	0 to 750	75
	751 to 1,440	100
	1,441 to 4,320	125
	4,321 to 14,400	150
Community Public Water Supply Well	0 to 14,400	150
Non-Community and Community Public Water Supply Well	14,401 to 28,800	175
	28,801 to 57,600	200
	57,601 to 86,400	250
	86,401 to 115,200	300
	115,201 to 144,000	350
	Greater than 144,000	400

#### **G. Water Quality Treatment**

1. All stormwater runoff that will be discharged offsite (excluding runoff from disconnected impervious areas) will need to meet the following treatment standards utilizing one or more of the stormwater treatment devices as presented in NHDES Stormwater Management Manual; Volume 2:
  - a. Remove 80 percent of the average annual load of total suspended solids (TSS), floatables, greases, and oils after the site is developed.
  - b. Remove 40 percent of phosphorus and total nitrogen.
2. Compliance with the recharge requirements under Section H, complete with the pre-treatment and design requirements of Sections H.2 and H.3, shall be considered adequate to meet the water quality treatment standards specified in G.1 above.
3. Applicants not able to employ recharge measures must provide suitable documentation, including a pollutant loading analysis from an approved model, that the treatment standards specified in G.1 will be met.

#### **H. Recharge to Groundwater**

Except where prohibited (See item 4 below), stormwater management designs shall demonstrate that the annual average pre-development groundwater recharge volume (GRV) for the major hydrologic soil groups found on-site are maintained.

1. For all areas covered by impervious cover, the total volume of recharge that must be maintained shall be calculated as follows:

$$\text{a) REQUIRED GRV} = (\text{Total Impervious Cover}) \times (\text{Groundwater Recharge Depth})$$

Where:

Total Impervious Cover is the area of proposed impervious cover that will exist on the site after development, and the required Groundwater Recharge Depth is expressed as follows:

SDA/NRCS Hydrologic Soil Group (HSG)	Groundwater Recharge Depth (inches)
A	0.40

B	0.25
C	0.10
D	not required

**Example: Applicant proposes 30,000 square foot parking lot over C soils.**

**REQUIRED GRV = 30,000 x 0.10-inch x (1-foot/12-inch) = 250 ft<sup>3</sup>**

- b. Where more than one hydrologic soil group is present, a weighted soil recharge factor shall be computed.

## 2. Pre-Treatment Requirements

- a. All runoff must be pretreated prior to its entrance into the groundwater recharge device to remove materials that would clog the soils receiving the recharge water, unless the BMP will receive only roof runoff.
- b. Pretreatment devices shall be provided for each recharge BMP receiving runoff from areas other building roofs and shall be designed to accommodate a minimum of one-year's worth of sediment, shall be designed to capture anticipated pollutants, and be designed and located to be easily accessible to facilitate inspection and maintenance.

## 3. Additional Stormwater BMP Sizing and Design Standards for Recharge Basins

- a. All units shall be designed to drain within 72 hours from the end of the storm.
- b. The floor of the recharge device shall be at least three feet above the seasonal high water table and bedrock.
- c. Soils under BMPs shall be scarified or tilled to improve infiltration.
- d. Infiltration BMPs shall not be located in areas with materials or soils containing regulated or hazardous substances or in areas known to DES to have contaminants in groundwater above ambient groundwater quality standards or in soil above site-specific soil standards.

## 4. Infiltration may be prohibited or subject to additional pre-treatment requirements under the following circumstances:

- a. The facility is located in a well-head protection area or water supply intake protection area; or
- b. The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-Dw 901; or
- c. Stormwater is generated from a "high-load area," as described under Section I.

## I. Land Uses with Higher Potential Pollutant Loads

- 1. The following uses or activities are considered "high-load areas," with the potential to contribute

higher pollutant loads to stormwater, and must comply with the requirements set forth in subsections below:

- a. Areas where regulated substances are exposed to rainfall or runoff; or
  - b. Areas that typically generate higher concentrations of hydrocarbons, metals, or suspended solids than are found in typical stormwater runoff, including but not limited to the following:
    1. Industrial facilities subject to the NPDES Multi-Sector General Permit (MSGP); not including areas where industrial activities do not occur, such as at office buildings and their associated parking facilities or in drainage areas at the facility where a certification of no exposure will always be possible [see 40 CFR 122.26(g)].
    2. Petroleum storage facilities.
    3. Petroleum dispensing facilities.
    4. Vehicle fueling facilities.
    5. Vehicle service, maintenance and equipment cleaning facilities.
    6. Fleet storage areas.
    7. Public works storage areas.
    8. Road salt storage and loading facilities.
    9. Commercial nurseries.
    10. Non-residential facilities having uncoated metal roofs with a slope flatter than 20 percent.
    11. Facilities with outdoor storage, loading, or unloading of hazardous substances, regardless of the primary use of the facility.
    12. Facilities subject to chemical inventory under Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA).
    13. Commercial parking areas with over 1,000 trips per day.
  - c. If a high-load area demonstrates, through its source control plan, the use of best management practices that result in no exposure of regulated substances to precipitation or runoff or release of regulated substances, it shall no longer be considered a high-load area.
2. Infiltration of stormwater from high-load areas, except commercial parking areas, is prohibited. Infiltration, with appropriate pre-treatment (e.g., oil/water separation) and subject to the conditions of the EPA Industrial MSGP SWPPP, is allowed in commercial parking areas and others areas of a site that do not involve potential “high-load” uses or activities (e.g., where a certification of “no exposure” under the MSGP will always be possible).
  3. For high-load areas, except commercial parking areas, filtering and infiltration practices, including but not limited to, sand filters, detention basins, wet ponds, gravel wetlands, constructed wetlands, swales or ditches, may be used only if sealed or lined.

#### **J. Snow Storage**

1. Snow storage space shall be provided for commercial facilities consistent with the Town's Site Plan Regulations and shall be located such that plowed snow will not be dumped or otherwise stored within 15 feet of a wetland or waterbody, except for snow that naturally falls into this area. Snow storage areas shall be shown on the site plan to comply with these requirements.
2. At the discretion of the planning board, pervious surfaces (i.e. grass, pervious asphalt, pervious pavers) may be encouraged, suggested or required for portions of proposed parking areas especially overflow or secondary parking areas to limit the deicer application needs.
3. Infrequently used emergency access points or routes shall be constructed with pervious surfaces (i.e. grass, pervious asphalt, pervious pavers).

#### **K. Redevelopment or Reuse**

1. Redevelopment or reuse of previously developed sites must meet the stormwater management standards set forth herein to the maximum extent possible as determined by the planning board. To make this determination the planning board shall consider the benefits of redevelopment as compared to development of raw land with respect to stormwater.
2. Redevelopment or reuse activities shall not infiltrate stormwater through materials or soils containing regulated or hazardous substances.
3. Redevelopment or reuse of a site shall not involve uses or activities considered "high-load areas" unless the requirements under **Section I** are met.

#### **L. Easements**

1. Where a site is traversed by or requires construction of a watercourse or drainageway, an easement of adequate width may be required for such purpose.
2. There shall be at least a ten foot wide maintenance easement path on each side of any stormwater management system element. For systems using underground pipes, the maintenance easement may need to be wider, depending on the depth of the pipe.

#### **M. Performance Bond**

1. To ensure that proposed stormwater management controls are installed as approved, a performance bond shall be provided as a condition of approval in an amount determined by the planning board.
2. To ensure that stormwater management controls function properly, a performance bond shall be required, as a condition of approval, which may be held after final certificate of occupancy is issued.

#### **N. Operation and Maintenance Plan**

1. All stormwater management systems shall have an operations and maintenance (O&M) plan to ensure that systems function as designed. This plan shall be reviewed and approved as part of the Planning Board review of the proposed permanent (post-construction) stormwater management system and incorporated in the Permanent Stormwater Management Plan, if applicable. Execution of the O&M plan shall be considered a condition of approval of a subdivision or site plan. If the stormwater management system is not dedicated to the city/town pursuant to a perpetual offer of dedication, the planning board may require an applicant to establish a homeowners association or similar entity to maintain the stormwater management system. For uses and activities under Section I, the O&M

- plan shall include implementation of the Stormwater Pollution Prevention Plan (SWPPP).
2. The stormwater management system owner is generally considered to be the landowner of the property, unless other legally binding agreements are established.
  3. The O&M plan shall, at a minimum, identify the following:
    - a. Stormwater management system owner(s), (For subdivisions, the owner listed on the O&M plan shall be the owner of record, and responsibilities of the O&M plan shall be conveyed to the party ultimately responsible for the road maintenance, i.e. the Town should the road be accepted by the Town, or a homeowners association or other entity as determined/required under Section N.1 above.)
    - b. The party or parties responsible for operation and maintenance and, if applicable, implementation of the Stormwater Pollution Prevention Plan (SWPPP).
    - c. A schedule for inspection and maintenance.
    - d. A checklist to be used during each inspection.
    - e. The description of routine and non-routine maintenance tasks to be undertaken.
    - f. A plan showing the location of all stormwater management facilities covered by the O&M plan.
    - g. A certification signed by the owner(s) attesting to their commitment to comply with the O&M plan.
  4. Recording:
    - a. The owner shall provide covenants for filing with the registry of deeds in a form satisfactory to the planning board, which provide that the obligations of the maintenance plan run with the land.
    - b. The owner shall file with the registry of deeds such legal instruments as are necessary to allow the city/town or its designee to inspect or maintain the stormwater management systems for compliance with the O&M plan.
  5. Modifications:
    - a. The owner shall keep the O&M plan current, including making modifications to the O&M plan as necessary to ensure that BMPs continue to operate as designed and approved.
    - b. Proposed modifications of O&M plans including, but not limited to, changes in inspection frequency, maintenance schedule, or maintenance activity along with appropriate documentation, shall be submitted to the planning board for review and approval within thirty days of change.
    - c. The owner must notify the planning board within 30 days of a change in owner or party responsible for implementing the plan.
    - d. The planning board may, in its discretion, require increased or approve decreased frequency of inspection or maintenance or a change in maintenance activity. For a reduced frequency of inspection or maintenance, the owner shall demonstrate that such changes will not compromise the long-term function of the stormwater management system.
    - e. The planning board shall notify the owner of acceptance of the modified plan or request

additional information within 60 days of receipt of proposed modifications. No notification from the planning board at the end of 60 days shall constitute acceptance of the plan modification. The currently approved plan shall remain in effect until notification of approval has been issued, or the 60 day period has lapsed.

**P. Record Keeping**

1. Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least five years.
2. Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs to the Town's Designated Agent during inspections and/or upon request.

**Q. Enforcement**

When the responsible party fails to implement the O&M plan, included, where applicable, in the Stormwater Management Plan, as determined by the Board of Selectmen, the municipality is authorized to assume responsibility for their implementation and to secure reimbursement for associated expenses from the responsible party, including, if necessary, placing a lien on the subject property.

**SECTION X.9. ENGINEERING REVIEW**

- A. The applicant shall submit a fee, as determined by the planning board, with their application for subdivision or site plan review to cover the cost of engineering review of their proposed permanent post-construction stormwater management system(s), and the separate Permanent Post-Construction Stormwater Management Plan (SMP) and Erosion and Sediment Control Plan, if applicable.
- B. Additional copies of all plans, engineering studies, and additional information as requested by the planning board describing the proposed permanent post-construction stormwater management system shall be provided as necessary to allow for a thorough outside engineering review.